

GUIDELINES

FOR THE PROVISION OF FACILITIES AND GENERAL SAFETY AND HEALTH IN

Forestry Work

TO MEET THE REQUIREMENTS OF THE HEALTH AND SAFETY IN EMPLOYMENT ACT 1992 AND REGULATIONS 1995



OCCUPATIONAL SAFETY
& HEALTH SERVICE

DEPARTMENT OF
LABOUR
TE TARI MAHI



*Hon. Doug Kidd
Minister of Labour*

Foreword

The Health and Safety in Employment Act 1992 reformed the law and provided, for the first time, comprehensive coverage and a consistency of approach to the management of safety and health in all New Zealand workplaces.

Since its introduction on 1 April 1993 the new law has proven to be innovative and effective. It has not only been successfully enforced through the courts, but — more importantly — has improved attitudes throughout all industries.

Regulations have now been passed which contain standards for matters not specifically addressed in the Act.

The importance of enforcing the law can't be ignored. However, there is also a real need for industry-specific information for employers and employees. These guidelines are an important part of this process, and they provide further information on means of compliance with the Act and the regulations.

My intention in publishing these guidelines is that they will be another step towards the ultimate goal of the legislation — which is to constructively change people's attitudes and responses to workplace health and safety.

A handwritten signature in blue ink, appearing to read 'Doug Kidd'. The signature is stylized and somewhat cursive, with a large loop at the beginning.

Hon Doug Kidd
Minister of Labour

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About these guidelines

These guidelines apply to all forestry workplaces.

They are part of a series aimed at different industries. Other guidelines have been produced for:

- Agricultural safety, health and accommodation;
- Commercial and industrial premises;
- Construction;
- Machinery; and
- Woodworking machinery.

The guidelines provide information to enable employers to comply with their duties under the HSE Act and HSE Regulations.

They should be read in conjunction with the codes of practice which have been developed after extensive consultation with the forest and associated industries.

Further guidance on the Act is contained in the OSH publications:

A Guide to the Health and Safety in Employment Act 1992

A Guide to Managing Health and Safety to Meet the Requirements of the Health and Safety in Employment Act 1992.

Content of the guidelines

The guidelines contain three categories of information on safety and health:

- Reference to relevant sections of the Health and Safety in Employment Act 1992 and The Health and Safety in Employment Regulations 1995;
- The guidelines themselves — based in part on standards contained in former legislation and on generally accepted good practice; and
- References to further information in support of the guidelines.

Application of reference information

1. Approved codes of practice

Any work carried on in a place of work for which there has been issued an approved code of practice under section 20 of the Act, should be carried out in accordance with that code. In

LEGISLATIVE PROVISIONS THAT RELATE SPECIFICALLY TO THE SUBJECT OF THE GUIDELINE.

The **most relevant** sections of the Act and regulations are listed separately.

Often the section of the Act referred to contains general provisions, but has been quoted because it is most likely that any prosecution would be taken under it.

Regulations are reproduced as appropriate, and their observance is mandatory where they apply.

THE GUIDELINES THEMSELVES.

These guidelines contain **recommendations** for employers and others on means of compliance with the Health and Safety in Employment Act 1992.

They describe good practices for specific work situations, and as such support the Act and regulations. Where appropriate they refer the reader on to Codes of Practice approved by the Minister of Labour under the Act, Standards, regulations made under other Acts of Parliament, and other recognised statements of good practice relevant to the particular area.

They are, however, **guidelines**, and — while every effort has been made towards completeness and accuracy at the time of publication — they should at any time be read in conjunction with the legislation and other documents referred to.

REFERENCES TO FURTHER INFORMATION IN SUPPORT OF THE GUIDELINES.

These include New Zealand and other Standards, Occupational Safety and Health Service publications, other publications, and other sources of information which **support the guidelines**.

Legislation — Washing facilities and toilets

Act

6. **Employers to ensure safety of employees**—Every employer shall take all practicable steps to ensure the safety of employees while at work, and in particular shall take all practicable steps to—

(b) Provide and maintain for employees while they are at work facilities for their safety and health; and

REGULATION

4. **Duties in respect of facilities at every place of work**—(1) Every employer shall take all practicable steps to ensure—
(a) That facilities of the kinds described in **subclause (2) of this regulation are provided** at every place of work under the control of that employer; and

(b) That any such facilities are suitable for the purpose for which they are to be used; and
(c) That any such facilities are provided in sufficient numbers; and
(d) That any such facilities are maintained in good order and condition; and
(e) That all employees have access to any such facilities in a way that is convenient to them.

(2) The facilities referred to in subclause (1) of this regulation are—
(a) Toilets;
(b) Hand-washing facilities;

5. **Duties in respect of facilities at certain places of work**—(1) Every employer shall take all practicable steps to ensure—

(a) That facilities of any of the kinds described in subclause (2) of this regulation are provided for employees at every place of work under the control of that employer where the work is of such a nature that these facilities are required; and
(b) That any such facilities are suitable for the purpose for which they are to be used; and
(c) That any such facilities are provided in sufficient numbers; and
(d) That any such facilities are maintained in good order and condition; and
(e) That all employees have access to any such facilities in a way that is convenient to them.

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GUIDELINES FOR THE PROVISION OF FACILITIES AND GENERAL SAFETY AND HEALTH IN FORESTRY WORK — OCTOBER 1995

Regulation 4 details the kind of facilities required at every place of work under the control of an employer.

Regulation 5 gives details of the employers duties in respect to facilities required at certain places of work.

Regulation 7 has tests to ensure that the facilities are suitable and sufficient.

1.1 Washing facilities

General

Every employer in charge of an operation that comes within the definition of forestry work shall, where practicable, provide suitable washing facilities.

All washing facilities shall be kept in a clean and sanitary condition and receptacles provided for the disposal of rubbish.

As a minimum requirement, cold water, cleansing agents and suitable hand drying facilities shall be provided at all work sites.

Chemicals

Where chemicals are being handled, mixed or applied, facilities may need to include a shower with, if the manufacturer's instructions require, the washing of the whole body after working with them or in the event of contamination from spillage.

Otherwise, cold water, suitable cleaning agents and individual towels shall be provided.

Permanent workplaces

Where the workplace is of a permanent nature, such as log yards, weighbridges and nurseries, or where a central base is used, facilities shall comply with the New Zealand Building Code approved document and local authority by-laws.

Standards

Approved Building Code document (2) Personal Hygiene

I.O. Code of Practice in the Use of Chemicals at Work

Agricultural User Code of Practice — NZ Agricultural Education Trust

OSH publications

Planning the Workplace

Guidelines for the Provision of Facilities and General Safety and Health in Commercial and Industrial Premises

Other Information

Manufacturers Instructions

Material safety data sheets

addition to the approved codes of practice, the forestry industry and OSH have developed a number of safety codes. They contain information on preferred work practices and work methods, and brief details of their contents are contained in an appendix to these guidelines.

2. Standards

These guidelines may refer to New Zealand and other Standards that provide technical guidance and specifications for employers and others.

In addition, Standards may be specified in particular regulations as having application to any place or type of work, equipment, plant, activity, or any other thing, covered by the regulations. In these cases, employers shall comply with the requirements of that Standard unless otherwise advised by an inspector.

Where standards are cited in the text of these guidelines, it is to provide information for the user. The list of standards is not complete and any other reputable Standard which embodies the same or more stringent criteria will be accepted as an alternative.

3. Building Act

Any building which is constructed or altered is required to comply with the requirements of the Building Act 1991 and the New Zealand Building Code to the extent that those requirements apply to the construction of the building.

REGULATION.

2. **Interpretation**—In these regulations, unless the context otherwise requires,—

.....

“Logging” —

(a) Means felling trees by manual or mechanical means for the purpose of extracting logs, poles, and posts; and
(b) Includes extracting logs to an area within a forest for processing and loading out:

“Tree-felling” means felling trees by manual or mechanical means for any purpose—

(a) Other than extracting logs, poles, and posts; but

(b) Including the purposes of—

(i) Harvesting firewood commercially;

(ii) Land clearance;

(iii) Maintaining shelter belts for horticulture;

(iv) Maintaining or removing trees in the vicinity of overhead power lines;

(v) Managing and caring for trees in the general community;

(vi) Silviculture;

(vii) Willow layering and any other work in catchment or soil erosion operations:

4. *OSH Handbook for Health and Safety Inspectors*

This resource has been developed and maintained primarily for the use of Occupational Safety and Health Service employees. However, it has been referred to in this guidelines series as a source of further information for people in the industry, and reference to it may be obtained from any branch office of the Occupational Safety and Health Service.

Definition of “forestry work”

“**Forestry work**” includes any work in connection with silviculture, logging, transportation, tree work and solid wood processing whether for commercial purposes or not, and includes:-

(a) Felling of trees for land clearing for any purpose by mechanical or manual means; and

(b) Commercial harvesting of firewood including stockpiling, stacking, transportation and handling by manual or mechanical means; and

(c) Work in log storage, transfer or processing areas including handling and loading of logs in wharf areas to the ship's side; and

(d) Construction and maintenance of private roads, service and access tracks, bridges, log skids, tramways, railways and the shifting of any plant for the purpose of forestry operations; and

(e) Forest fire fighting.

“**Logging**” includes tree felling by manual or mechanical means, preparation and extraction of logs to an area for processing and /or loading out. Produce includes logs of all types and also includes round produce such as posts and poles.

“**Silviculture**” includes the establishment and tending of tree crops and includes land preparation, planting, blanking, releasing from ground or air, protection, pruning, thinning, seed collection, nursery work, use of agricultural chemicals, controlled burning and fire fighting

“**Solid wood processing**” includes further processing of logs into rough finished products and includes work of a portable nature such as sawmilling, chipping, peeling, splitting, drying, mulching and treatment plants.

“**Transportation**” includes cartage of all types of forest produce such as all log types, flitches, dimension timber, chips, bark, mulch, firewood, sawdust and any waste products other than on a public road, street or railway system and includes the use of helicopters, rafts and barges for such purpose.

“**Tree work**” means any work on trees outside a forest situation and includes willow layering and any other work with trees in catchment or soil erosion operations,

maintenance of shelter belts for horticulture, agriculture or farming, maintenance of trees in the vicinity of overhead power lines and arboriculture — which is the management and care of trees in the general community.

The requirements that exist for forestry work includes work of that description that is carried out on any farm.

Notifiable work

An employer shall not commence any notifiable work unless they have notified, in writing, at least 24 hours before the work commences, an officer at the nearest office of the Occupational and Health Service of the Department of Labour.

For the purpose of the regulations, any tree-felling or logging operation undertaken for commercial purposes is notifiable to the nearest office of the Occupational and Health Service.

“Logging” means felling trees for the purpose of extracting, processing and loading out logs, poles and posts.

“Tree felling” means felling of trees for any purpose except than extracting logs, poles and posts but includes felling for harvesting commercial firewood, land clearance, maintaining shelter belts for horticulture, maintaining or removing trees in the vicinity of power lines, arboriculture, silviculture and catchment and soil erosion operations.

Certain types of construction work which may be undertaken in forestry work, are also notifiable. These relate to:

- (a) Any work in a pit, shaft, trench or other excavation more than 1.5 metres deep where the depth is greater than the top width;
- (b) Work on any excavation in which the face has a vertical height of more than 5 metres and where the average batter is steeper than 1 horizontal: 2 vertical (50% - 26°); or
- (c) Work in which any explosive is used or at which any explosive is stored.

Details required

Details required are:

- (a) The nature and location of the work; and
- (b) The name, address, and contact details of the employer; and
- (b) The type of notifiable work;
- (c) The intended date of the commencement of the work; and

Legislation — Notifiable work

REGULATION.

2. **Interpretation**—In these regulations, unless the context otherwise requires,—

.....

“Notifiable work” means—

.....

(b) Any logging operation or tree-felling operation, being an operation that is undertaken for commercial purposes:

(c) Any construction work of one or more of the following kinds:

(i) Work in which a risk arises that any person may fall 5 metres or more, other than—

.....

Work carried out from a ladder only:

Maintenance and repair work of a minor or routine nature:

.....

(iii) Work using a lifting appliance where the appliance has to lift a mass of 500 kilograms or more a vertical distance of 5 metres or more, other than work using an excavator, a fork-lift, or a self-propelled mobile crane:

(iv) Work in any pit, shaft, trench, or other excavation in which any person is required to work in a space more than 1.5 metres deep and having a depth greater than the horizontal width at the top:

(v) Work in any drive, excavation, or heading in which any person is required to work with a ground cover overhead:

(vi) Work in any excavation in which any face has a vertical height of more than 5 metres and an average slope steeper than a ratio of 1 horizontal to 2 vertical:

(vii) Work in which any explosive is used or in which any explosive is kept on the site for the purpose of being used:

.....

The definitions of “logging work” and “tree felling” are reproduced with the preceding section.

26. Notification—(1) In this regulation, the term “employer” includes a person who controls a place of work.

(2) Subject to subclause (4) of this regulation, every employer who intends to commence any notifiable work or any work that will at any time include any notifiable work shall take all practicable steps to lodge notice of that intention in accordance with this regulation.

(3) A notice required to be lodged under subclause (2) of this regulation shall—

(a) Be lodged at an office that deals with occupational safety and health matters, being the nearest such office of the Department to the place where the work is to be carried out; and

(b) Be in writing; and

(c) Be given at least 24 hours before the time at which the employer intends to commence the work; and

(d) Contain the following particulars—

(i) The nature and location of the work; and

(ii) The name, address, and contact details of the employer; and

(iii) The intended date of commencement of the work; and (iv) The estimated duration of the work.

(4) It shall not be necessary for any employer to comply with subclause (2) of this regulation before commencing any construction work or tree felling operation necessary to deal with an emergency arising from—

(a) Damage caused by any earthquake, explosion, fire, flood, lightning, rain, slip, storm, or washout; or

(b) The blockage or breakdown of any drain or sewer; or

(c) The blockage or breakdown of any distribution system or network for electricity, gas, telecommunications, or water.

(d) The estimated duration of the work.

A notification form can be obtained from any OSH office.

Interpretation

Processes will be developed for clarifying notification requirements by employers engaged in work of short duration or ongoing work within the same forest or general area.

For further information, contact your nearest forestry inspector.

FURTHER INFORMATION

OSH publications

OSH Handbook for Health and Safety Inspectors

Guidelines for the Provision of Safety, Health and Accommodation in Agriculture

Legislation — Washing facilities and toilets

ACT

6. Employers to ensure safety of employees—Every employer shall take all practicable steps to ensure the safety of employees while at work; and in particular shall take all practicable steps to—

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(b) Provide and maintain for employees while they are at work facilities for their safety and health; and

.....

REGULATION

4. Duties in respect of facilities at every place of work—(1) Every employer shall take all practicable steps to ensure—

(a) That facilities of the kinds described in subclause (2) of this regulation are provided at every place of work under the control of that employer; and

(b) That any such facilities are suitable for the purpose for which they are to be used; and

(c) That any such facilities are provided in sufficient numbers; and

(d) That any such facilities are maintained in good order and condition; and

(e) That all employees have access to any such facilities in a way that is convenient to them.

(2) The facilities referred to in subclause (1) of this regulation are—

(a) Toilets;

(b) Hand-washing facilities;

.....

5. Duties in respect of facilities at certain places of work—(1) Every employer shall take all practicable steps to ensure—

(a) That facilities of any of the kinds described in subclause (2) of this regulation are provided for employees at every place of work under the control of that employer where the work is of such a nature that those facilities are required; and

(b) That any such facilities are suitable for the purpose for which they are to be used; and

(c) That any such facilities are provided in sufficient numbers; and

(d) That any such facilities are maintained in good order and condition; and

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(2) The facilities referred to in subclause (1) of

Regulation 4 details the kind of facilities required at every place of work under the control of an employer.

Regulation 5 gives details of the employers duties in respect to facilities required at certain places of work.

Regulation 7 has tests to ensure that the facilities are suitable and sufficient.

1.1 Washing facilities

General

Every employer in charge of an operation that comes within the definition of forestry work shall, where practicable, provide suitable washing facilities.

All washing facilities shall be kept in a clean and sanitary condition and receptacles provided for the disposal of rubbish.

As a minimum requirement, cold water, cleansing agents and suitable hand drying facilities shall be provided at all work sites.

Chemicals

Where chemicals are being handled, mixed or applied, facilities may need to include a shower with, if the manufacturer's instructions require, the washing of the whole body after working with them or in the event of contamination from spillage.

Otherwise, cold water, suitable cleaning agents and individual towels shall be provided.

Permanent workplaces

Where the workplace is of a permanent nature, such as log yards, weighbridges and nurseries, or where a central base is used, facilities shall comply with the New Zealand Building Code approved document and local authority by-laws.

FURTHER INFORMATION

Standards

Approved Building Code document G1 *Personal Hygiene*

ILO *Code of Practice in the Use of Chemicals at Work*

Agrichemical User Code of Practice — NZ Agrichemical Education Trust

OSH publications

Planning the Workplace

Guidelines for the Provision of Facilities and General Safety and Health in Commercial and Industrial Premises

Other information

Manufacturers' instructions

Material safety data sheets

1.2 Toilets

Where practicable, employers shall provide toilets at all sites where forestry work is carried out.

The employer shall provide an adequate supply of suitable manufactured toilet paper.

General forestry operations

Due to the mobile nature of some forestry operations, the type of sanitary convenience, when provided, will vary from operation to operation.

As a guideline, toilets should be provided when:-

1. There is no natural screen available.
2. When requested by employees.
3. In a water supply catchment area. Any conditions laid down by the catchment authority shall be adhered to.
4. At any forest operation occupying a site for over four weeks, a screened off facility should be provided.

At forest sites occupied for long periods, consideration should be given to the installation of a chemical toilet. When sanitary conveniences are provided, cleaning to a high standard is required.

The urban workforce

When work in urban areas is of a mobile nature, such as maintenance of trees around power lines or where arborists are operating on private properties, suitable arrangements should be made to ensure employees have access to sanitary conveniences. These arrangements could include use of a client's facilities by prior agreement or provision of access to public or other organised facilities.

Most parks and reserves have public conveniences and provision should be made for workers in these locations to have access to these, otherwise provision of access to other suitable facilities should be made. Where large gangs are regularly working together, provision of a mobile sanitary convenience may be appropriate.

Permanent workplaces

Where the workplace is permanent (such as weighbridges, log yards, nurseries or where a central base is used) the sanitary conveniences should comply with the New Zealand Building Code approved document and local authority by-laws.

Reference may also be made to the *Guidelines for the Provision of Facilities and General Safety in Commercial and Industrial Premises* in this series.

this regulation are,—

(a) Where the work is of such a nature that employees are reasonably likely to need facilities for washing the body, such facilities:

.....

7. Tests for suitability and sufficiency of facilities—(1) The suitability of any facilities provided in accordance with regulations 4 to 6 of these regulations shall be determined having regard to—

- (a) The purpose for which the facilities are provided; and
 - (b) The circumstances in which the facilities are provided.
- (2) The sufficiency of the numbers of any facilities provided in accordance with regulations 4 to 6 of these regulations shall be determined having regard to—
- (a) The number of employees in the place of work; and
 - (b) The needs of employees in the place of work; and
 - (c) The nature of the place of work; and
 - (d) The nature of any particular hazard in the place of work; and
 - (e) The type or types of work being carried out in the place of work; and
 - (f) Whether or not the work is always carried out at the same place of work.

.....

Legislation — Drinking water

REGULATION

2. **Interpretation**—In these regulations, unless the context otherwise requires,—

.....

“Wholesome”, in relation to water, means complying with the standards set out in the document published by the Ministry of Health in 1995 entitled “Drinking-Water Standards for New Zealand 1995”.

8. **Duty in respect of drinking water**—Every employer shall take all practicable steps to ensure—

- (a) That drinking water is provided for employees at every place of work under the control of that employer; and
- (b) That any such drinking water is wholesome; and
- (c) That the amount of any such drinking water is sufficient, having regard to the number of employees in the place of work and the nature of the place of work; and
- (d) That all employees have access to any such drinking water in a way that is convenient to them.

Legislation — First-aid facilities

REGULATION

4. **Duties in respect of facilities at every place of work**—(1) Every employer shall take all practicable steps to ensure—

- (a) That facilities of the kinds described in subclause (2) of this regulation are provided at every place of work under the control of that employer; and
 - (b) That any such facilities are suitable for the purpose for which they are to be used; and
 - (c) That any such facilities are provided in sufficient numbers; and
 - (d) That any such facilities are maintained in good order and condition; and
 - (e) That all employees have access to any such facilities in a way that is convenient to them.
- (2) The facilities referred to in subclause (1) of this regulation are—

.....

(d) First-aid facilities:

.....

FURTHER INFORMATION

Resource Management Act 1991

Standards

New Zealand Building Code approved documents

NZS 4121:1985 *Code of practice for design for access and use of buildings by disabled persons*

OSH publication

Planning the Workplace

1.3 Drinking water

All work sites

Where practicable, and when requested, the employer shall ensure that an adequate supply of wholesome drinking water, fresh daily, shall be provided at all forestry work sites. It should be readily available and clearly labelled as drinking water. A common drinking container shall not be used.

Receptacles for drinking water should be kept clean and protected from contamination.

FURTHER INFORMATION

Drinking Water Standards for New Zealand, Ministry of Health, 1995

1.4 First-aid equipment

The minimum requirements for first-aid equipment are prescribed in the safety codes developed with industry.

FURTHER INFORMATION

OSH publications

Safety Code for Forest Operations, *Part 1: Establishment and silviculture* and *Part 3-Logging*

Approved Code of Practice for Tree Work, *Part 1: Arboriculture*

1.5 Facilities for employees who become ill at work

Every employer shall take all practicable steps to provide rest facilities, or if necessary, transport to home or medical assistance for employees who become ill at the place of work.

1.6 Facilities for changing and storing clothes

Every employer shall, where practicable, make provision to enable workers to change, in privacy, clothes that become wet or contaminated at work.

Adequate clean space should be provided so that workers can store clothes not used at work.

Permanent sites

At permanent work sites, a changing room should be provided with adequate provision for a change of clothes to replace clothing soiled at work and for storage of clothing not worn at work. Such rooms should comply with the New Zealand Building code approved document and local authority bylaws.

FURTHER INFORMATION

Guidelines for the Provision of Facilities and General Safety in Commercial and Industrial Premises

1.7 Facilities for meals

Adequate provision shall be made, by the employer for workers to have meals and rest periods in reasonable comfort and sheltered from the weather.

Any facility used for shelter and meal purposes shall not be used for the storage of tools, materials or petroleum products.

Suitable rubbish disposing facilities shall be available.

Caravans and crew huts

When the work vehicle is unsuitable or not on site, it is recommended that a caravan, crew hut or other suitable shelter, complete with facilities, be provided.

Permanent workplaces

In permanent operations (such as weighbridges, log yards and nurseries) facilities should comply with the New Zealand Building code approved document and local authority bylaws.

Where a kitchen or serving place is provided, it should meet the requirements of the Food Hygiene Regulations 1974.

FURTHER INFORMATION

Guidelines for the Provision of Facilities and General Safety in Commercial and Industrial Premises

Legislation — Facilities for employees who become ill at work

REGULATION.

6. Duty in respect of indisposed employees—

(1) Every employer shall take all practicable steps to ensure that any employee who, at any place of work under the control of that employer, feels indisposed may—

(a) Rest in facilities provided at the place of work, if the employer decides that that is the appropriate course of action in the circumstances; or

(b) Leave the place of work, if the employer decides that that is the appropriate course of action in the circumstances.

(2) Every employer shall take all practicable steps to ensure—

(a) That any facilities provided under subclause (1) (a) of this regulation are—

(i) Suitable for the purpose for which they are to be used; and

(ii) Provided in sufficient numbers; and

(iii) Maintained in good order and condition; and

(b) That all employees have access to any such facilities in a way that is convenient to them.

Legislation — Facilities for changing and storing clothes

REGULATION.

5. **Duties in respect of facilities at certain places of work**—(1) Every employer shall take all practicable steps to ensure—

(a) That facilities of any of the kinds described in subclause (2) of this regulation are provided for employees at every place of work under the control of that employer where the work is of such a nature that those facilities are required; and

(b) That any such facilities are suitable for the purpose for which they are to be used; and

(c) That any such facilities are provided in sufficient numbers; and

(d) That any such facilities are maintained in good order and condition; and

(e) That all employees have access to any such facilities in a way that is convenient to them.

(2) The facilities referred to in subclause (1) of this regulation are,—

.....

(b) Where the work is of such a nature that

employees' clothing is reasonably likely to become contaminated or wet, a place in which to change clothes:

(c) Where the work is of such a nature that it is reasonably likely that employees will bring to the place of work clothes that will not be used at work, facilities for keeping such clothes clean and dry:

.....

Legislation — Facilities for meals

REGULATION

4. Duties in respect of facilities at every place of work—(l) Every employer shall take all practicable steps to ensure—

(a) That facilities of the kinds described in subclause (2) of this regulation are provided at every place of work under the control of that employer; and

(b) That any such facilities are suitable for the purpose for which they are to be used; and

(c) That any such facilities are provided in sufficient numbers; and

(d) That any such facilities are maintained in good order and condition; and

(e) That all employees have access to any such facilities in a way that is convenient to them.

(2) The facilities referred to in subclause (l) of this regulation are—

.....

(k) Facilities for employees to have meals during work hours in reasonable shelter and comfort, being facilities that are separate from any plant or materials used in the place of work and that are protected from any atmospheric contaminants, dirt, noise, or any other hazard produced by any work process.

.....

1.8 Lighting

Suitable lighting shall be provided by the employer for all forestry work carried out during the hours of darkness. Standards will vary according to the operation but employers are to ensure that the guidelines below are followed.

All persons required to work during the hours of darkness shall wear high visibility helmets and upper clothing and shall have a minimum of 150 cm² of reflective material on both the front and back.

All mobile plant required to work at night, shall be equipped with lights for both forward and reverse travel.

If any forestry work such as felling, yarding, skidding or loading is carried out at night, the operational area is to be fully illuminated.

The sources of illumination should be located and directed to create a minimum of shadow or glare and so that any person who is required to work or stand on foot is not in shadows.

FURTHER INFORMATION

Workers' Compensation Board of British Columbia — Forestry Regulations
Draft standard — *Guide to the lighting of exterior work areas*, SANZ

1.9 Emergency exit plan

All permanent facilities and buildings used for forestry work, and vehicles used for the transportation of workers shall have a means of emergency egress.

Access to all work sites should be kept open at all times, or machines capable of clearing an access way be kept present to enable immediate access in the event of an accident, emergency or fire. Employers shall ensure that all employees are aware of emergency plans.

FURTHER INFORMATION

Forest emergency plans and fire plans
OSH publication
Safety Code for Forest Operations: Part 3, Logging

1.10 Maintenance, cleanliness and access to facilities

Every employer shall take all practicable steps to ensure that facilities are properly maintained, readily accessible and kept in a clean, safe and hygienic state.

Legislation — Lighting

REGULATION.

4. Duties in respect of facilities at every place of work—(1) Every employer shall take all practicable steps to ensure—

- (a) That facilities of the kinds described in subclause (2) of this regulation are provided at every place of work under the control of that employer; and
 - (b) That any such facilities are suitable for the purpose for which they are to be used; and
 - (c) That any such facilities are provided in sufficient numbers; and
 - (d) That any such facilities are maintained in good order and condition; and
 - (e) That all employees have access to any such facilities in a way that is convenient to them.
- (2) The facilities referred to in subclause (1) of this regulation are—

.....

(e) Facilities for lighting for the purposes of enabling employees to perform their work safely and to move safely about the place of work:

.....

Legislation — Maintenance, cleanliness and access to facilities

ACT.

REGULATION.

4. Duties in respect of facilities at every place of work—(1) Every employer shall take all practicable steps to ensure—

.....

(d) That any such facilities are maintained in good order and condition; and

.....

5. Duties in respect of facilities at certain places of work—(1) Every employer shall take all practicable steps to ensure—

.....

(d) That any such facilities are maintained in good order and condition; and

.....

9. Duty in respect of cleanliness of place of work—Every employer shall take all practicable steps to ensure that every place of work under the control of that employer is kept in a clean and hygienic state.

Legislation — Emergency exit plan

ACT.

6. Employers to ensure safety of employees—Every employer shall take all practicable steps to ensure the safety of employees while at work; and in particular shall take all practicable steps to—

.....

(e) Develop procedures for dealing with emergencies that may arise while employees are at work.

.....

12. Information for employees generally— Every employer shall ensure that every employee who does work of any kind, or uses plant of any kind, or deals with a substance of any kind, in a place of work has been given, in such a form and manner that the employee is reasonably likely to understand it, information about—

(a) What to do if an emergency arises while the employee is doing work of that kind, using plant of that kind, or dealing with substances of that kind, in that place; and

.....

REGULATION.

4. Duties in respect of facilities at every place of work—(1) Every employer shall take all practicable steps to ensure—

(a) That facilities of the kinds described in subclause (2) of this regulation are provided at every place of work under the control of that employer; and

(b) That any such facilities are suitable for the purpose for which they are to be used; and

(c) That any such facilities are provided in sufficient numbers; and

(d) That any such facilities are maintained in good order and condition; and

(e) That all employees have access to any such facilities in a way that is convenient to them.

(2) The facilities referred to in subclause (1) of this regulation are—

.....

(c) Means of leaving the place of work in an emergency;

.....

ACT

6. Employers to ensure safety of employees—Every employer shall take all practicable steps to ensure the safety of employees while at work; and in particular shall take all practicable steps to—

.....

(a) Rest in facilities provided at the place of work, if the employer decides that that is the appropriate course of action in the circumstances; or

.....

REGULATION

Duty in Relation to Heights at Some Workplaces

21. Heights of more than 3 metres—(1) In this regulation, the term “employer” does not include any employer who employs any employee to carry out any agricultural work in a place of work under the control of that employer.

(2) Every employer shall take all practicable steps to ensure, in relation to every place of work under the control of that employer, that, where any employee may fall more than 3 metres,—

(a) Means are provided to prevent the employee from falling; and

(b) Any means so provided are suitable for the purpose for which they are to be used.

2.1 Working at heights of more than 3 metres

Ladder pruning

Where workers are required to work off the top of ladders, tree steps, lifts or other climbing aids at a height above 3 metres and where there is no adequate side support, they shall wear a safety belt, harness or other fall restraint device.

Arboriculture

Work methods as detailed in *Approved Code of Practice for Tree Work: Part 1—Arboriculture* shall be followed.

Rigging and associated climbing work

Rigging of standing trees and subsequent maintenance work is detailed in the *Safety Code for Forest Operations: Part 2—Cable logging*, sections 7, 8 and 9.

Hauler towers

For access up a tower without steps, a rigging block shall be fitted and safety harness provided. Work methods shall be as detailed in the *Safety Code for Forest Operations: Part 2—Cable logging*.

For towers with steps either:

- A cage guard shall be provided
- Anchor points fitted so that the climber is able to be securely attached at all times. A suitable harness shall be worn.
- An inertia reel system installed. Inertia reels are not designed for continuous support and should not be used as working supports. A full body support safety harness should be used.

FURTHER INFORMATION

Standards

NZS 5811: Part 1: 1981 *Specifications for industrial safety belts and harnesses*

Part 2: *Code of practice for the selection, use and maintenance of safety belts and harnesses*

OSH publications

Approved Code of Practice for Tree Work: Part 1—Arboriculture, sections 25 - 31

Safety Code for Forest Operations: Part 2—Cable logging, sections 7, 8 and 9

2.2 Work under raised objects

Where workers are required to work under raised loads, particularly when repairing machinery, supports or other devices shall be used to ensure that the object cannot be dropped or lowered while the person is working underneath.

2.3 Earthworks and excavations

Earthmoving presents a range of particular hazards to employees or others who are required to work in them or in the vicinity.

Prior to commencing work on earthmoving and excavations, it is important that employers and employees ensure the following requirements are met:

- All underground services have been located, marked, and precautions taken to avoid them.
- The sides of the excavation are sloped back or battered, with the angle of batter sufficient to prevent collapse or, where necessary, a safe method is used for putting in and taking out timbering, i.e. one that does not rely on people working within an unsupported trench and there is safe access to the trench and barriers to stop people falling in.
- The earthworks or excavation does not affect the stability of trees in the vicinity and is completed so that there is no overhanging or undercut material.
- Precautions are taken against any risk of earthworks or excavations flooding.
- Materials, spoil or plant are not placed near the edge of excavation that are likely to cause a collapse at the side.
- Where vehicles tip into the excavation, that properly secured stop blocks are used.
- Any filling that is intended to be permanent must be free of logs, vegetation or unsuitable soils and compacted to recognised engineering standards.

FURTHER INFORMATION

OSH publications

Approved Code of Practice for Excavation and Boreholes

Safety Code for Forest Operations: Part 1 — Forest establishment and silviculture, and Part 3 — Logging

Guidelines for the Provision of Facilities and General Safety and Health in Construction Work

Legislation - Work under raised objects

REGULATION

16. Raised objects—Every employer shall take all practicable steps to ensure, in relation to every place of work under the control of that employer, that, where any employee is under any thing that has been raised or lifted by any means to enable any work to be done, supports or other devices are so placed or used under the thing that it cannot drop or be lowered while the employee is under it..

LEGISLATION -Earthworks and excavations

REGULATIONS

23. Application of regulations 24 and 25—(1) In regulations 24 and 25 of these regulations, the term “employer” means—

(a) Every employer, in relation to every place of work under the control of that employer in which any construction work is carried out; and

(b) Every person who controls a place of work in which any construction work is carried out.

(2) In regulations 24 and 25 of these regulations, the term “employee”,—

(a) In relation to an employer of the kind described in subclause (1) (a) of this regulation, means an employee of that employer; and

(b) In relation to a person of the kind described in subclause (1) (b) of this regulation, means a person working in the place of work.

24. Excavations with face more than 1.5 metres high—(1) Subject to subclause (2) of this regulation, every employer shall take all practicable steps to ensure that, where any face of any excavation is more than 1.5 metres high, that face is shored.

(2) Subclause (1) of this regulation does not apply where—

(a) The face is cut back to a safe slope; or

(b) The material in the face is of proven good standing quality under all reasonably foreseeable conditions of work and weather; or

(c) By reason of the nature of the work and the position of any employee in the vicinity, there is no danger to any employee; or

(d) The provision of shoring is impracticable or unreasonable by reason of the nature of the work and the employer takes all

practicable steps to ensure that other precautions are taken to make the face as safe as possible in the circumstances.

(3) Every employer shall take all practicable steps to ensure that any shoring used in any excavation at the place of work—

(a) Consists of materials that are suitable for the purpose for which they are to be used, of sound quality, and adequate in strength for the particular use; and

(b) Has bracings, jacks, and struts that are securely held to prevent accidental displacement, and packings and wedges that are held by nails or spikes; and

(c) Is placed in a proper manner by an experienced person under competent supervision; and

(d) Is not altered, dismantled, or interfered with except on the instructions of the employer or a representative of the employer.

LEGISLATION - Harmful noise

REGULATIONS.

10. Application of regulation 11—(1) In regulation 11 of these regulations, the term “employer” includes—

(a) A person who controls a place of work; and

(b) A principal who controls the place of work at which a contractor or subcontractor works.

(2) In regulation 11 of these regulations, the term “employee”,— (a) In relation to a person who controls a place of work, means a person working in the place of work; and

(b) In relation to a principal, means an employee of a contractor or subcontractor or, if a contractor or subcontractor is an individual, the contractor or subcontractor, being an employee, contractor, or subcontractor doing any work (other than residential work) that the contractor was engaged to do.

11. Noise—(1) Every employer shall take all practicable steps to ensure, in relation to every place of work under the control of that employer, that no employee is exposed to noise above the following levels:

(a) A noise exposure level, $L_{Aeq,8hr}$ of 85 dB(A); and

(b) A peak noise level, L_{peak} of 140 dB,— whether or not the employee is wearing a personal hearing protection device.

(2) For the purposes of subclause (1) of this regulation,—

(a) The noise exposure level, $L_{Aeq,8hr}$ is the level of the daily noise exposure normalised to a nominal 8 hour day, in dB(A) referenced to 20 micropascals; that is to say, it is the steady noise level that would, in the course of an eight hour period, cause the same A-frequency-weighted sound energy as that due to the actual noise over the actual working day; and

(b) The peak noise level, L_{peak} is the highest frequency-unweighted peak sound pressure level in the place of work in decibels referenced to 20 micropascals, measured using sound measuring equipment with “P” time-weighting, as specified in the Australian Standard numbered AS 1259.1-1990 and entitled “Sound level meters Part 1: Non-integrating”; and

(c) The levels of noise referred to in subclause (1) of this regulation shall be measured and assessed in accordance with the Australian Standard numbered AS 1269-1989 and entitled “Acoustics— Hearing conservation”.

(3) Where an employer has taken all practicable steps to ensure that no employee at any place of work under the control of that employer is exposed to noise above the levels specified in subclause (1) of this regulation but has not eliminated the risk that any employee may be exposed to noise above those levels, the employer shall communicate clearly, by way of signs, labelling of machinery, or other appropriate means—

(a) The fact that noise levels at the place of work are or are likely to be hazardous; and

(b) The sort of personal hearing protection device that is suitable to protect against the noise levels; and

(c) Where such a device may be obtained.

LEGISLATION -Cleaning maintenance and repair of machinery

REGULATIONS.

17. Cleaning, maintenance, or repair of machinery—(1) Subject to subclause (2) of this regulation, every employer shall take all practicable steps to ensure, in relation to every place of work under the control of that employer, that, where the cleaning, maintenance, or repair of any machinery while the whole or a part of the machinery is moving may cause harm to any employee, the machinery is not cleaned, maintained, or repaired—

(a) Until every part of the machinery, including any extension or attachment, has been secured against movement, including inadvertent movement; and

(b) Until every control device has been secured in the inoperative position by the use of locks or lock-out procedures or other equally effective means.

(2) Every employer shall take all practicable steps to ensure, in relation to any machinery to which subclause (1) of this regulation applies, that, where it is essential to the process that the machinery performs, or to the procedure for cleaning, maintaining, or repairing the machinery, that the whole or a part of the machinery remains in motion during cleaning, maintenance, or repair,—

(a) A procedure is established for the carrying out of the cleaning, maintenance, or repair in a safe manner; and

(b) The procedure contains at least the following features:

(i) No employee who has not been adequately trained for the purpose shall carry out the cleaning, maintenance, or repair:

(ii) Where it is essential that a part of the machinery remains moving, only that part shall be set in motion; and

(c) The procedure is followed on every occasion to which it applies.

2.4 Harmful noise

Every employer shall take all practicable steps to ensure that employees are not exposed to harmful noise.

Generally, exposure above a daily average 85dB(A) for 8 hours a day, five days a week are likely to cause people with unprotected hearing to suffer noise-induced hearing loss.

No employee shall be exposed to a peak noise level above 140dB(A), whether or not the employee is wearing a personal hearing protection.

Ranges of noise and the grade of protection required are detailed in the codes listed below.

If machines are likely to cause noise-induced hearing loss, they should be clearly labelled with the degree of personal hearing protection required.

Noise levels should be a consideration if new equipment is to be purchased.

FURTHER INFORMATION

OSH publications

Code of Practice for Forestry Operations — Part 1: Forest establishment and silviculture; and Part 3: Logging

Code of Practice for Tree Work — Part 1: Arboriculture

2.5 Cleaning, maintenance and repair of machinery

Every employer is required to take all practicable steps to ensure that machinery in the place of work is not cleaned, maintained or repaired while the whole or part of the machine is moving unless:

- (a) Every part, including extensions and attachments, is secured against movement, including inadvertent movement; and
- (b) Every control device has been secured in the inoperative position; or
- (c) It is essential for whole or part of the machine to remain in motion.

If it is essential that the machinery remains in motion, a procedure shall be established to carry out the cleaning, maintenance and repair, that employees be properly trained in the procedure, that only essential parts of the machine are in motion and that the same procedure be followed on every occasion.

LEGISLATION - Driver protection in mobile plant

ACT

General Duties of Employers

6. Employers to ensure safety of employees

Every employer shall take all practicable steps to ensure the safety of employees while at work; and in particular shall take all practicable steps to—

- (a) Provide and maintain for employees a safe working environment; and
- (b) Provide and maintain for employees while they are at work facilities for their safety and health; and
- (c) Ensure that plant used by any employee at work is so arranged, designed, made, and maintained that it is safe for the employee to use; and
- (d) Ensure that while at work employees are not exposed to hazards arising out of the arrangement, disposal, manipulation, organisation, processing, storage, transport, working, or use of things—
 - (i) In their place of work; or
 - (ii) Near their place of work and under the employer's control; and
- (e) Develop procedures for dealing with emergencies that may arise while employees are at work.

.....

16. Duties of persons with control of places of work—

To the extent that a person is—

- (a) The owner, lessee, sublessee, occupier, or person in possession of a place of work or any part of a place of work (not being a home occupied by the person); or
- (b) The owner, lessee, sublessee, or bailee, of any plant in a place of work (not being a home occupied by the person),—the person shall take all practicable steps to ensure that people in the place of work, and people in the vicinity of the place of work, are not harmed by any hazard that is or arises in the place of work.

REGULATION

20. Self-propelled mobile mechanical plant

(1) Every employer shall take all practicable steps to ensure that every self-propelled mobile mechanical plant to which this regulation applies is fitted with a roll-over protective structure and a seat belt.

(2) Every employer shall take all practicable

steps to ensure—

- (a) That every roll-over protective structure fitted to a self-propelled mobile mechanical plant pursuant to subclause (1) of this regulation is suitable for the purpose for which it is to be used; and
- (b) That every seat belt fitted to a self-propelled mobile mechanical plant pursuant to subclause (1) of this regulation is of a kind, and fitted in a manner, that is suitable for the purpose for which it is to be used; and
- (c) Where the roll-over protective structure fitted to any self-propelled mobile mechanical plant pursuant to subclause (1) of this regulation is damaged so that its effectiveness is substantially reduced, no employee uses the plant until the structure has been either—
 - (i) Replaced; or
 - (ii) Restored to a condition approved by the manufacturer or the manufacturer's principal agent in New Zealand, or by a registered engineer, as equal in strength and effectiveness to the structure as originally fitted.

19. Application of regulation 20—(1) Subject to subclauses (2) to (6) of this regulation, regulation 20 of these regulations applies to every self-propelled mobile mechanical plant—

- (a) Upon which any employee rides at a place of work under the control of an employer; and
 - (b) That is provided by that employer.
- (2) Regulation 20 of these regulations does not apply to the following:
- (a) Any agricultural harvester:
 - (b) Any bus:
 - (c) Any car:
 - (d) Any crane:
 - (e) Any drag line:
 - (f) Any fork-lift with a telescopic boom:
 - (g) Any log hauler:
 - (h) Any paving machinery:

- (i) Any power operated elevated work platform:
- (j) Any tractor used in agricultural work:
- (k) Any truck:
- (l) Any van:
- (m) Any machinery that has a mass of 700 kilograms or less:
- (n) Any machinery used in a mine, quarry, or tunnel.

(3) Regulation 20 of these regulations does not apply to any self-propelled mobile mechanical plant that has been designed to be used on level ground at all times, if the employer takes all practicable steps to ensure that every employee at every place of work under the control of that employer so uses the self-propelled mobile mechanical plant.

(4) The Secretary may, by certificate in writing, subject to such conditions, if any, as may be specified in the certificate, exempt from any or all of the provisions of regulation 20 of these regulations—

(a) Any particular kind of machinery; or

(b) Any machinery or kind of machinery when used in any particular work or in any particular kind of work,—

if satisfied that, having regard to any conditions imposed, the provision or provisions in respect of which the exemption is granted are not reasonably practicable or are not reasonably necessary for the protection of employees using the machinery or, as the case may require, carrying out the work.

(5) The Secretary may at any time cancel a certificate by which an exemption is granted under subclause (4) of this regulation, if satisfied that it is proper to do so.

(6) Where the Secretary cancels a certificate under subclause (5) of this regulation, the Secretary shall—

(a) Determine a date, being a date allowing a reasonable period after the date of the cancellation, after which the certificate shall cease to have effect:

(b) Where any such certificate has been issued to any particular person, notify that person of the date of the cancellation and the date after which the certificate shall cease to have effect:

(c) Where any such certificate has not been issued to any particular person, publish by way of a notice in the Gazette the date of the cancellation and the date after which the certificate shall cease to have effect.

2.6 Driver protection in mobile plant

Every employer shall take all practicable steps to ensure that any self-propelled mobile mechanical plant used in forestry work, are fitted with an adequate and suitable roll-over protective structure (ROPS) and a seat belt or other operator restraint device.

In addition, mobile plant that is required to work in standing trees or where there is danger from falling material, shall be equipped with a falling object protective structure (FOPS).

On other mobile plant where there is danger to the operator by objects entering the cab, an operator protective structure (OPS) shall be fitted.

Warning

A notice should be prominently displayed in every ROPS, warning that a roll-over hazard exists and that seat belts or other restraint devices provided shall be worn.

Identification

In order to allow identification of protective structures, a permanent label shall be attached to the structure containing the following information:

- The name and address of the designer;
- The name and address of the manufacturer or fabricator;
- The serial number and make that the structure is designed to fit; and
- The relevant standard to which the structure complies.

If a protective structure is damaged and its effectiveness reduced, it shall be restored to at least equivalent to the original condition and repairs approved by the manufacturer or a registered engineer.

Exemptions

Exempted plant which may be used in forestry work include any machine which has a mass of 700kg or less, cranes, trucks, cars, vans, buses, power-operated work platforms, drag lines, log haulers, and telescopic mast fork lifts.

The regulations provide for exemptions for particular machinery in clearly defined uses. Health and safety inspectors can provide more information.

FURTHER INFORMATION

Standards - Logging equipment

NZS 5401:1982 *Specification for seat belt assemblies for motor vehicles* (Amendment 1: 1991.)

ISO 3463:1989 *Wheeled tractors for agriculture and forestry — Protective structures — Dynamic test method and acceptance conditions*

ISO 5700:1989 *Wheeled tractors for agriculture and forestry — Protective structures — Static test method and acceptance conditions*

LEGISLATION - Duties of designers, manufacturers, suppliers and sellers of plant and protective clothing and equipment

REGULATIONS

66. Duties of designers of plant—(1) Every designer of plant shall take all practicable steps—

- (a) To design any plant in accordance with applicable ergonomic principles, including (without limitation) any such principles in relation to the placement of any power control; and
- (b) To design any plant in such a way that, if the plant is—
 - (i) Manufactured in accordance with the design; and
 - (ii) Used for the purpose for which it was designed; and (iii) Installed, adjusted, used, cleaned, maintained, repaired, and dismantled in accordance with the designer's instructions,—

there is no likelihood that the plant will be a cause or source of harm to any person, or the likelihood that the plant will be such a cause or source of harm is minimised as far as is practicable.

(2) Every designer of plant shall take all practicable steps to ensure that every manufacturer of the plant receives comprehensive and comprehensible information, including, where relevant, detailed instructions, about—

- (a) The use for which the plant has been designed; and
- (b) How to install, adjust, use, clean, maintain, repair, and dismantle the plant in accordance with the designer's instructions; and
- (c) Any other matters about which the manufacturer needs information from the designer in order to be able to carry out the manufacturer's duties under regulation 67 of these regulations.

67. Duties of manufacturers and suppliers of plant—(1) Every manufacturer and supplier of plant shall take all practicable steps to ensure that any plant manufactured by that manufacturer or supplied by that supplier is so designed that, if the plant is—

- (a) Manufactured in accordance with the design; and
- (b) Used for the purpose for which it was designed; and

ISO 8082:1994 *Self propelled machinery for forestry — Roll-over protective structures. — Laboratory tests and performance requirements*

ISO 8083:1989 *Machinery for forestry — Falling object protective structures — Laboratory tests and performance requirements*

ISO 8084:1993 *Machinery for Forestry — Operator protective structures — Laboratory tests and performance requirements*

2.7 Other plant

Cranes, lifting devices and power-elevated work platforms are used from time to time in forestry work. Details of operation and maintenance are contained in the publications below.

FURTHER INFORMATION

Standards

Crane Safety Manual — NZ Power Crane Association.

AS1418.10:1987 SAA Crane Code — Part 10: *Elevating work platforms*

BS 7171:1989 *Mobile elevating work platforms*

OSH publications

Approved Code of Practice for Cranes and Lifting Devices

Code of Practice for Power-operated Elevating Work Platforms

2.8 Duties of designers, manufacturers, suppliers and sellers of plant

Designers of plant are required to take all practicable steps to ensure that plant and machinery they design and that is to be used in a place of work is designed so that it will not be a source of harm to any person during manufacture, use and maintenance. In the design process, consideration shall be given to applicable ergonomic principles especially in the placing of power controls.

Adequate information shall be given to the manufacturer concerning the use for which it was designed, installation, use, adjustment, maintenance, repair, cleaning, dismantling and any other relevant matters.

Manufacturers are required to ensure that if the plant is manufactured and tested to the design, used for the purpose for which it is designed, that its installation, use, adjustment, maintenance, repair, cleaning and dismantling will not cause harm to any person.

Manufacturers, suppliers and sellers of plant and machinery shall provide clear and comprehensive information to any purchaser or hirer concerning the use for which it was designed, manufactured and tested and information on its correct installation, use, adjustment, maintenance, dismantling, repair and any other relevant matters.

(c) Installed, adjusted, used, cleaned, maintained, repaired, and dismantled in accordance with the designer's instructions,— there is no likelihood that the plant will be a cause or source of harm to any person, or the likelihood that the plant will be such a cause or source of harm is minimised as far as is practicable.

(2) Every manufacturer and supplier of plant shall take all practicable steps to ensure that any plant manufactured by that manufacturer or supplied by that supplier is so manufactured and tested that, if the plant is—

(a) Used for the purpose for which it was designed; and

(b) Installed, adjusted, used, cleaned, maintained, repaired, and dismantled in accordance with the designer's instructions,— there is no likelihood that the plant will be a cause or source of harm to any person, or the likelihood that the plant will be such a cause or source of harm is minimised as far as is practicable.

(3) Every manufacturer of plant shall take all practicable steps to ensure that every supplier of the plant receives comprehensive and comprehensible information, including, where relevant, detailed instructions, about—

(a) The use for which the plant has been designed; and

(b) How to install, adjust, use, clean, maintain, repair, and dismantle the plant in accordance with the designer's instructions; and

(c) Any other matters about which the supplier needs information from the manufacturer in order to be able to carry out any duty of the supplier under this regulation.

(4) Every supplier of plant shall take all practicable steps to ensure that every purchaser or hirer of the plant receives comprehensive and comprehensible information, including, where relevant, detailed instructions, about—

(a) The use for which the plant has been designed; and

(b) How to install, adjust, use, clean, maintain, repair, and dismantle the plant in accordance with the designer's instructions; and

(c) Any other matters about which the purchaser or hirer needs information from the supplier in order to be able to carry out any duty of the purchaser or hirer under the Act

or these regulations.

Protective Clothing and Protective Equipment

68. Duties of designers of protective clothing and protective equipment—(1)

Every designer of protective clothing or protective equipment shall take all practicable steps—

(a) To design any protective clothing or protective equipment in accordance with applicable ergonomic principles; and

(b) To design any protective clothing or protective equipment in such a way that, if the clothing or equipment is—

(i) Manufactured in accordance with the design; and

(ii) Used for the purpose for which it was designed; and (iii) Installed, adjusted, used, cleaned, maintained, repaired, and dismantled in accordance with the designer's instructions,— it will give adequate protection from the harm against which it is intended to protect.

(2) Every designer of protective clothing or protective equipment shall take all practicable steps to ensure that every manufacturer of the protective clothing or equipment receives comprehensive and comprehensible information, including, where relevant, detailed instructions, about—

(a) The use for which the clothing or equipment has been designed; and

(b) How to install, adjust, use, clean, maintain, repair, and dismantle the clothing or equipment in accordance with the designer's instructions; and

(c) Any other matters about which the manufacturer needs information from the designer in order to be able to carry out the manufacturer's duties under regulation 69 of these regulations.

69. Duties of manufacturers and suppliers of protective clothing and protective equipment—(1)

Every manufacturer and supplier of protective clothing or protective equipment shall take all practicable steps to ensure that any such clothing and equipment manufactured by that manufacturer or supplied by that supplier is designed in such a way that, if the clothing or equipment is—

(a) Manufactured in accordance with the design; and

(b) Used for the purpose for which it was designed; and

(c) Installed, adjusted, used, cleaned, maintained, repaired, and dismantled in

accordance with the designer's instructions,— it will give adequate protection from the harm against which it is intended to protect.

(2) Every manufacturer and supplier of protective clothing or protective equipment shall take all practicable steps to ensure that any such clothing or equipment manufactured by that manufacturer or supplied by that supplier is so manufactured and tested that, if the clothing or equipment is—

(a) Used for the purpose for which it was designed; and

(b) Installed, adjusted, used, cleaned, maintained, repaired, and dismantled in accordance with the designer's instructions,— it will give adequate protection from the harm against which it is intended to protect.

(3) Every manufacturer and supplier of protective clothing or protective equipment shall take all practicable steps to ensure that any such clothing or equipment manufactured by that manufacturer or supplied by that supplier is, to the extent that is practicable, permanently marked with comprehensive and comprehensible information, including, where relevant, detailed instructions, about—

(a) The use for which the clothing or equipment has been designed; and

(b) How to install, adjust, use, clean, maintain, repair, and dismantle the clothing or equipment in accordance with the designer's instructions.

(4) Every manufacturer of protective clothing or equipment shall take all practicable steps to ensure that every supplier of any such clothing or equipment receives comprehensive and comprehensible information, including, where relevant, detailed instructions, about—

(a) The use for which the clothing or

REGULATIONS.

Duties in Relation to Young Persons

Duties of Employers to Young Persons

54. **Employment of young persons**—(1) Subject to subclause (2) of this regulation, every employer shall take all practicable steps to ensure that no employee under the age of 15 years works in any area at a place of work under the control of that employer—

- (a) At any time when goods are being prepared or manufactured for trade or sale in that area:
- (b) At any time when any construction work is being carried out in that area:
- (c) At any time when any logging operation or tree-felling operation is being carried out in that area:
- (d) At any time when any work is being carried out in that area that is likely to cause harm to the health and safety of a person under the age of 15 years.

(2) Subclause (1) of this regulation does not apply to any area if an employee under the age of 15 years works at all times—

- (a) In any office in that area; or
- (b) In any part of that area used only for selling goods or services.

56. **Machinery**—Every employer shall take all practicable steps to ensure that no employee under the age of 15 years, at any place of work under the control of that employer,—

- (a) Works at or with any machinery; or
- (b) Assists with work at or with any machinery.

57. **Tractors and self-propelled mobile mechanical plant**—(1) In this regulation, the term “vehicle” means—

- (a) Any tractor; and
- (b) Any self-propelled mobile mechanical plant, other than a car, a truck, a motorcycle, or machinery that has a mass of 700 kilograms or less.

(2) Every employer shall take all practicable steps to ensure that no employee under the age of 15 years, while in any place of work under the control of that employer,—

- (a) Drives any vehicle; or
- (b) Rides upon any vehicle while it is drawing any implement; or
- (c) Rides upon any vehicle while any

2.9 Duties of designers, manufacturers suppliers and sellers of protective clothing and equipment

Designers of protective clothing and equipment are required to take all practicable steps to ensure that it is designed to ergonomic principals and if manufactured and properly used for the purpose for which it was designed, in accordance with the designers instructions, it will give adequate protection from the harm it is intended to protect.

Adequate information shall be given to the manufacturer concerning the installation, use, adjustment, cleaning, maintenance, repairing and dismantling clothing or equipment in accordance with the designers instructions.

Manufacturers are required to ensure that every supplier and seller of protective clothing and equipment receives clear and comprehensive information concerning the use for which the clothing or equipment is designed, details on its installation, use, adjustment, cleaning, maintenance, repair and dismantling and any other relevant matters.

Suppliers and sellers are required to ensure that every purchaser or hirer of protective clothing and equipment receives clear and comprehensive information concerning the use for which the clothing or equipment was designed, details on its installation, use, adjustment, cleaning, maintenance, repair, dismantling and any other relevant matters.

Manufacturers, suppliers and sellers are required to ensure that clothing and equipment is designed, manufactured and tested so that if the clothing and equipment is used for the purpose for which it was designed and installed, used, adjusted, cleaned, maintained, repaired and dismantled according to the designers instructions, it will give adequate protection from the harm it was intended to protect.

Every manufacturer, supplier and seller of protective clothing and equipment is to ensure that, to the extent that it is practicable, the clothing and equipment is permanently marked with clear and comprehensive relevant information concerning the use for which it has been designed and how to install, use, adjust, clean, maintain, repair and dismantle the clothing and equipment in accordance with the designer's instructions.

2.10 Restriction on the employment of young persons

Hazardous work

No employer shall employ any person under the age of 15 in a place where forestry work is carried out.

Persons under the age of 15 may visit forestry workplaces if under the direct supervision of an adult or on a guided tour with the prior permission of the person in charge of the operation.

Codes of practice set out detailed requirements for such visits.

Machinery

Every employer shall take all practicable steps to ensure that no person under the age of 15 years works or assists with work on any machinery in the place of work under the control of that employer.

Tractors and self propelled mobile plant

Every employer shall take all practicable steps to ensure that in any place of work under the control of the employer that no person under 15 years of age,

- (a) Drives any vehicle; or
- (b) Rides on any vehicle while it is drawing an implement; or
- (c) Rides on any vehicle while an implement is attached; or
- (d) Rides on any implement being towed or attached to the vehicle unless it is designed or adapted for the carriage of passengers or goods.

For the purposes of this regulation, “vehicle” means any tractor or self-propelled mobile mechanical plant, but excludes cars, trucks, motorcycles and any plant less than 700 kilograms.

Night employment

Every employer shall take all practicable steps to ensure that no person who has not attained the age of 16 years is employed between the hours of 10 p.m. on any day and 6 a.m. on the next day, unless the employee’s employment is in accordance with an approved code of practice relating to work of that kind or description.

FURTHER INFORMATION

OSH publication

Safety Code for Forest Operations: Part 3 — Logging, section 2.1.10

implement is attached to it; or

(d) Rides upon any implement (not being a sled or trailer designed or adapted exclusively or principally for the carriage of passengers or of goods) drawn by or attached to any vehicle.

58. Night employment—Every employer shall take all practicable steps to ensure that no employee under the age of 16 years works, at any place of work under the control of that employer, between the hours of 10 p.m. on any day and 6 a.m. on the next day, unless the employee’s employment is in all respects in accordance with an approved code of practice relating to the employment of people under the age of 16 years between those hours in work of the kind the employee is doing.

Duties of Other Persons to Young Persons

59. Presence of young persons—(1) Subject to subclause (2) of this regulation, every person who controls a place of work shall take all practicable steps to ensure, in relation to every place of work under the control of that person, that no person under the age of 15 years is present in any area at the place of work—

- (a) At any time when goods are being prepared or manufactured for trade or sale in that area;
 - (b) At any time when any construction work is being carried out in that area;
 - (c) At any time when any logging operation or tree-felling operation is being carried out in that area;
 - (d) At any time when any work is being carried out in that area that is likely to cause harm to the health and safety of a person under the age of 15 years.
- (2) Subclause (1) of this regulation does not apply to any area if any person under the age of 15 years is at all times—
- (a) In any part of that area to which the public generally has access; or
 - (b) Under the direct supervision of an adult in that area; or
 - (c) On a guided tour of that area; or
 - (d) In any office in that area; or
 - (e) In any part of that area used only for selling goods or services.

Appendix: Contents of codes of practice for forest operations and tree work

Occupational Safety and Health have worked with the industries and occupations concerned and developed a number of safety codes as statements of preferred work practices for the purpose of ensuring health and safety in forestry work. This process is continuing, and the older codes are being updated to meet changing work practices and the requirements of the Health and Safety in Employment Act 1992 and the Health and Safety in Employment Regulations 1995.

The format of the revised codes will be slightly different with a generic section containing information that is common to a number of codes and a specific section that is particular to that code only. This will standardise the generic information and make the specific information easier to follow.

A summary of the codes and their contents follows.

I. Safety Code for Forest Operations

Generic sections covering a number of codes

Notifiable work
Definitions
Operational considerations
Noise
Protective clothing and equipment
First-aid
Hand tools
Ladders
Falls and trips
Transportation of workers
Plant and machinery
 Compliance with statutory requirements
 Looking after machines
 Operational guidelines
 People working around machines
 Shifting machines

Skidders
All terrain vehicles
Road construction and maintenance
Signs for work on or about roads
Storage of petrol and other dangerous goods
Use of explosives
Power-operated elevating platforms
Safety at fires and burn-offs

Part 1: Forest establishment and silviculture

(To be developed into an approved code)

Safe use of chainsaws
Transportation of fuel by foot
Felling
Agricultural chemicals
Service tracking, firebreaking and roading
Gravity rolling
Brushcutters
Planting
Machine planting