

Learning Assessment Guide

Unit Standard 19521 – Version 3

Explain the requirements of the Health and Safety in Employment (HSE) Act 1992

Level 4 – 5 Credits

Assessment Summary			
Learner to complete			
Learner's Name:			
Employer:			
NSN no. (ROL):		DOB:	
Signed:		Date:	
Assessor to complete			
<input type="checkbox"/> Meets requirements <input type="checkbox"/> More training required <input type="checkbox"/> More evidence required			
Assessor's Name:		Assessor's No.	
Signed:		Date:	

Before you begin...

- As well as this Learning Assessment Guide, you may also want to refer to the unit standard from the NZQA website (<http://www.nzqa.govt.nz>).
- Read the Trainee Information Kit. The kit contains important information and guidelines for Learners and can be found on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.
- Check the learning resources available for this unit standard on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.

The tasks in this assessment are designed to show your assessor that you can:

- describe the intention and coverage of HSE legislation
- identify duties and responsibilities for health and safety in the workplace
- describe the health and safety documentation and systems used in the workplace
- identify the administration and enforcement provisions of the HSE Act.

This Learning Assessment Guide is made up of:

- Tasks for you to complete.
- Manager or Team Leader Verification form.
- Assessment Guide that the assessor will use to assess your competence.

Definitions from the special notes relating to this unit standard:

1. **Organisational requirements** refer to instructions to staff on policy and procedures which are documented in memo or manual format and are available in the workplace. These requirements may include but are not limited to – site specific requirements, company quality management requirements, approved codes of practice and guidelines, and legislative requirements.
2. **Legislative requirements** include but are not limited to – HSE Act, Health and Safety in Employment (HSE) Regulations 1995, and any applicable Approved Codes of Practice created under the primary Act or related guidelines.

Assessment Task One – Elements 1, 2, 3 and 4

Introduction

You must be able to demonstrate that you understand the requirements of the Health and Safety in Employment (HSE) Act 1992.

You may choose to produce evidence for verification for part of this task. For example, produce your organisation's process or policy, and write a little about it to explain your knowledge. If so, work your way through the questions, forms and tasks to see what evidence you need to provide for verification. Evidence may include organisational policies and processes and organisational correspondence.

If you are producing evidence for verification for any of these tasks, answer the questions, and then ask your manager or team leader to complete the Manager or Team Leader Verification form.

Assessment task one is designed to assess your ability to:

- Describe the need for health and safety legislation in terms of importance.
- Describe the HSE Act in terms of its coverage.
- Describe the differences between the HSE Act and common law.
- Describe the principal object(s) of the HSE Act in terms of legislation and methods of achievement.
- Describe the concept of 'all practicable steps' in terms of legislation and case law.
- Identify duties and responsibilities for health and safety in the workplace in accordance with legislative requirements.
- Identify provisions covering safety representatives and safety committees in accordance with legislative requirements.
- Describe the workplace systems for identifying and managing hazards in the workplace in accordance with organisational requirements.
- Describe the workplace systems for providing and accessing information relating to hazard management in accordance with organisational requirements.
- Describe the workplace systems for training and supervision in relation to hazard management in accordance with organisational requirements.
- Describe the workplace systems for recording and reporting accidents in the workplace in accordance with organisational requirements.
- Describe the workplace systems for developing emergency procedures in accordance with organisational requirements.
- Describe the functions and powers of inspectors specified in the HSE Act.
- Describe the powers of departmental medical practitioners specified in the HSE Act.
- Describe the grounds and procedures for issuing improvement and prohibition notices and infringement fines specified in the HSE Act.
- Describe the offences and penalties specified in the HSE Act.
- Explain the ability to take private prosecutions.
- Describe the grounds and procedures for appeal specified in the HSE Act.

Instructions

- Answer all the questions to complete the assessment. You may also provide supporting documentary evidence.
- Ask your manager or team leader to complete the parts of the verification form relating to this task.
- Make sure you follow relevant current legislation including the HSE Act, Health and Safety in Employment (HSE) Regulations 1995, and any applicable Approved Codes of Practice created under the primary Act or related guidelines.
- Make sure you comply with instructions to staff on policy and procedures. These may be documents such as memos or manuals available in your workplace. They may be requirements for your site, the quality management requirements, approved codes of practice and guidelines, and legislative requirements.
- You will find the information in the HSE Act. There is also a guide to the HSE Act at the Department of Labour website.

Question 1

Briefly explain why you think it is important to have health and safety legislation in terms of the following:

The need to do something about serious accidents

The need for public pressure

The need to prevent reoccurrence of incidents

Question 2

Answer these questions about the coverage of the HSE Act. Make sure your answer follows what the legislation requires.

What industries does it cover?

How is an employer defined under the HSE Act?

How is a 'person who controls a place of work' defined under the HSE Act?

Do self-employed people have duties under the HSE Act?

Do principals to contracts have duties under the HSE Act?

How is a 'contractor' defined under the HSE Act?

How is an 'employee' defined under the HSE Act?

Do people selling or supplying plant for use in a place of work have duties under the HSE Act?

How does the Act define 'volunteers'?

Does the HSE Act apply to the occupier of a home who engages a person to do domestic work or work done around or in the home?

Question 3

Describe the differences between the HSE Act and common law by answering these questions:

Describe civil law.

Describe exemplary damages.



Describe the capacity to sue under legislation.

Question 4

Answer these questions about the principal objects of the HSE Act. Make sure your answer follows what the legislation requires.

Describe the object to promote excellence.

Describe the object to develop structure and systems.

Describe the object to impose duties.

What do the objects of the HSE Act say about setting requirements?

Describe Codes of Practice under the HSE Act.



Question 8

Describe your organisation’s systems for identifying and managing hazards in the workplace. Make sure your answers follow what the legislation and your organisation requires.

Attach any relevant documents that support your explanation.

What does your organisation require for the identification of hazards?

How does your organisation define ‘significance?’

Describe your organisation’s hierarchy of controls.

Describe your organisation’s monitoring process.



Describe your organisation's employee participation process.

Question 9

Describe your organisation's systems for providing and accessing information relating to hazard management. Make sure your answer follows what the legislation and your organisation requires.

Attach any relevant documents that support your explanation.

Describe your organisation's systems for providing and accessing information relating to the results of monitoring.

Describe your organisation's systems for providing and accessing information relating to emergencies.



Describe your organisation’s systems for providing and accessing information relating to identified hazards.

Describe your organisation’s systems for providing and accessing information relating to hazards that may be created.

Describe your organisation’s systems for providing and accessing information relating to the location and use of personal protective equipment.

Assessment Guide

This is the assessment guide your assessor will use to assess your competence in unit standard 19521.

Element	Task	Evidence	Judgement	
1. Describe the intention and coverage of HSE legislation.	1	<p>Questions 1 to 3 are answered in full.</p> <p>Appropriate documentation or supporting workplace evidence may be provided.</p>	<p>Answers comply with the HSE Act, Health and Safety in Employment (HSE) Regulations 1995, and any applicable Approved Codes of Practice created under the primary Act or related guidelines.</p>	Yes / No
			<p>No incorrect information. Answers do not have to include all of the model answer – essential elements only.</p>	Yes / No
			<p>The need for health and safety legislation is described in terms of importance. Range is covered: serious accidents, public pressure, prevent reoccurrence of incidents.</p>	Yes / No
			<p>The HSE Act is described in terms of its coverage. Range is covered: industries that it covers, employers, people who control places of work, self-employed individuals, principals to contracts, contractors, employees, suppliers and manufacturers of plant and equipment, volunteers, exclusions.</p>	Yes / No

			<p>The differences between the HSE Act and common law are described. Range is covered: civil law, exemplary damages, capacity to sue under legislation.</p> <p>Answers are consistent with the assessor feedback.</p> <p>Answers demonstrate understanding.</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>
2. Identify duties and responsibilities for health and safety in the workplace.	1	Questions 4 to 7 are answered in full. Appropriate documentation may be provided.	<p>Answers comply with the HSE Act, Health and Safety in Employment (HSE) Regulations 1995, and any applicable Approved Codes of Practice created under the primary Act or related guidelines.</p> <p>No incorrect information. Answers do not have to include all of the model answer – essential elements only.</p> <p>The principal object(s) of the HSE Act are described in terms of legislation and methods of achievement. Range is covered: to promote excellence, structure and systems, the placement of duties; methods include but are not limited to – the process for making regulations, codes of practice, and guidelines.</p> <p>The concept of ‘all practicable steps’ is described in terms of legislation and case law.</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>

			<p>Duties and responsibilities for health and safety in the workplace are identified in accordance with legislative requirements. Range is covered: duties and responsibilities of employers, employees, persons in control of places of work, self-employed individuals, principals to contracts, suppliers and manufacturers of plant and equipment.</p> <p>Provisions covering safety representatives and safety committees are identified in accordance with legislative requirements.</p> <p>Answers are consistent with the assessor feedback.</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>
<p>3. Describe the health and safety documentation and systems used in the workplace.</p>	<p>1</p>	<p>Appropriate documentation is provided.</p> <p>Questions 8 to 12 are answered in full.</p>	<p>Answers comply with the HSE Act, Health and Safety in Employment (HSE) Regulations 1995, and any applicable Approved Codes of Practice created under the primary Act or related guidelines.</p> <p>No incorrect information. Answers do not have to include all of the model answer – essential elements only.</p> <p>The workplace systems for identifying and managing hazards in the workplace are described in accordance with organisational requirements. Range is covered: identification of hazards, determining</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>

			<p>'significance', hierarchy of controls, monitoring, employee participation.</p>	
			<p>The workplace systems for providing and accessing information relating to hazard management are described in accordance with organisational requirements. Range is covered: results of monitoring, emergencies, identified hazards, hazards that may be created, location and use of personal protective equipment.</p>	Yes / No
			<p>The workplace systems for training and supervision in relation to hazard management are described in accordance with organisational requirements.</p>	Yes / No
			<p>The workplace systems for recording and reporting accidents in the workplace are described in accordance with organisational requirements. Range is covered: record and investigate all accidents/incidents, report serious harm accidents to Occupational Safety and Health representatives, preservation of injury site.</p>	Yes / No
			<p>The workplace systems for developing emergency procedures are described in accordance with organisational requirements.</p>	Yes / No

		Relevant parts of the Manager or Team Leader Verification Form are completed.	Form is completed and signed. Comments are supportive.	Yes / No
<p>4. Identify the administration and enforcement provisions of the HSE Act.</p> <p>Range may include but is not limited to – improvement and/or prohibition notices, employer and employee rights and responsibilities.</p>	1	<p>Appropriate documentation may be provided.</p> <p>Questions 13 to 18 are answered in full.</p>	<p>Answers comply with the HSE Act, Health and Safety in Employment (HSE) Regulations 1995, and any applicable Approved Codes of Practice created under the primary Act or related guidelines.</p>	Yes / No
			<p>No incorrect information. Answers do not have to include all of the model answer – essential elements only.</p>	Yes / No
			<p>The functions and powers of inspectors specified in the HSE Act are described.</p>	Yes / No
			<p>The powers of departmental medical practitioners specified in the HSE Act are described.</p>	Yes / No
			<p>The grounds and procedures for issuing improvement and prohibition notices and infringement fines specified in the HSE Act are described.</p>	Yes / No
			<p>The offences and penalties specified in the HSE Act are described.</p>	Yes / No
			<p>The ability to take private prosecutions is explained.</p>	Yes / No
			<p>The grounds and procedures for appeal specified in the HSE Act are described.</p>	Yes / No

Manager or Team Leader Verification Form

Name of Learner:		
Name of Verifier:		Phone:
Relationship to Learner:		

_____ is currently being assessed toward
Unit Standard 19521 – *Explain the requirements of the Health and Safety in Employment
(HSE) Act 1992.*

The learner must:

- Describe the intention and coverage of HSE legislation.
- Identify duties and responsibilities for health and safety in the workplace.
- Describe the health and safety documentation and systems used in the workplace.
- Identify the administration and enforcement provisions of the HSE Act. Range may include but is not limited to – improvement and/or prohibition notices, employer and employee rights and responsibilities.

Your signature below confirms that the documents supplied for verification are the learner's own work, and that it is within the requirements of your organisation.

Comments

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The assessor may contact you to discuss the learner's performance.

Signed: _____

Date: _____

Thank you for your assistance.