



Caring for Our People

Manaakitia ā tātou tāngata

December 2020

Lessons from Whakaari

As I write, it has been a year since the Whakaari explosion. Just prior to this one year anniversary WorkSafe announced that they have filed charges against 13 parties for what happened.



Out of ten **companies**, nine are facing charges of failing to ensure the health and safety of workers and others, and one is being charged relating to the duty of an entity that controls a workplace.

Three **people** are being charged in relation to directors/individuals with significant influence of an entity having to exercise due diligence to ensure their organisation meets its health and safety obligation. The intent here is to educate on the remaining three charges that WorkSafe have filed against individuals.

Under current law, our volunteer chair-people and board members work for charitable not-for-profit entities. They are volunteers who have a due diligence duty to ensure their organisation complies with its duties and obligations, but they do not commit an offence if they fail to meet it. This immunity ensures that voluntary participation at a leadership level is encouraged.

Volunteer chair-people and board members have a due diligence duty

However, those same people may be prosecuted as 'other persons' at the workplace if they fail to take reasonable care of their own, or another person's health and safety while at the workplace, or fail to comply with reasonable health and safety instructions given by their organisation. Just like anyone else could be.

Going back to Whakaari, the three people are being charged for failing to exercise due diligence. They are being charged for either not having appropriate processes in place, or for not doing what they said they would do in those processes. Their level of care would be measured and relevant against the dangers posed by travelling to/from, and walking within, the crater of an active volcano.

Our lessons are simple

1. Have processes in place appropriate for the hazards associated with the activities we are doing.
Examples:
 - an Emergency Response Plan for our gatherings and events
 - an Asbestos Management Plan for our buildings and construction works
2. Practice, monitor and update those plans as necessary, to confirm we do what we said we would do.

We are thinking today of the people, families and communities grieving after the eruption and of the survivors whose lives have been forever changed.

Let us plan and act for our own safe enterprises.

Mā wai rā e taurima te marae i waho nei?

Mā te tika

Mā te pono

me te aroha e.

Who will take responsibility on the marae now?

Through the correct way

Through truth and

Through love (it will be done).

Nā Henare Te Owai i Kaitito

Nā Trudy Downes

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See http://www.methodist.org.nz/caring_for_our_people for health and safety plans and other information.

