



Partner Advisory

We're aware that some of our partners are looking to engage external consultants or legal counsel to advise them on the ramifications of the draft Health and Safety Reform Bill. We urge our partners to exercise caution before committing to expenditure or making decisions based on draft legislation that may change over the coming months.

The reforms are aimed at encouraging organisations to take a risk management approach to managing health and safety. The risks to participants engaged in sport and recreation activities are unchanged as a result of the proposed legislation.

The current Health and Safety law requires employers to take practicable steps to ensure the safety of their workers and that principle continues in the proposed new legislation. Physical injuries in sports are a known and well-understood risk in physical contact sports.

Professional sports organisations will have systems in place to manage this risk, like the use of medical staff expertise, physiotherapists, fitness training etc.

By ensuring that their organisations have systems in place to keep their athletes fit and safe, as much as practically possible (just like any other worker), boards of sports groups will be meeting the requirements under the current and proposed health and safety laws. Having good medical, conditioning and training systems in place and oversight of those systems would indicate boards and management are hitting the mark.

Our sport and recreation sector have sought advice and implemented changes to how they manage their risks over the years. An example is the compulsory wearing of mouth-guards in activities where there is a risk that the participant may damage their teeth during the activity. Our 'no fault' ACC system means that participants can't sue for injuries they sustain whilst participating in a sport or recreation activity. That won't change under the proposed legislation.

Injuries are part and parcel of sports and the health and safety legislation – current and proposed – isn't about getting in the way of the hurly burly of sport. Our partners at WorkSafe NZ are focussing on the areas where they can have the most impact on New Zealand's high rate of workplace fatalities, serious harm and occupational illness. These are occurring in high risk industries – not on the sports grounds or at sports and recreation facilities.

We'll be keeping you updated on the proposed changes over the next few months and will advise you on what you need to do to implement any changes. In the interim, please direct any questions you may have to your Relationship Manager who will arrange for an appropriate response.