



Health and Safety at Work Act 2015

Introduction

The Health and Safety at Work Act 2015 affects midwives whether they are self-employed or employed. Employed midwives are required to be familiar with and follow their employers Health and Safety policies. Individual midwives who are self-employed, sole traders and/or working within formal partnerships are also required to ensure they have Health and Safety policies identified. Under the HSWA any “person conducting a business or undertaking” (PCBU) is considered a single entity. The Act covers work carried out in “any place where a worker goes, or is likely to be, while at work”.

A PCBU may be for example:

- A self-employed midwife
- A New Zealand College of Midwives regional branch that either has an employee or a person paid an honorarium
- New Zealand College of Midwives
- Midwifery and Maternity Provider Organisation
- Visiting tradespersons, contractors and other businesses on site of the PCBU workplace

During their work in the community – whether in women’s homes or in clinic settings – midwives need to be aware of maintaining their and their client’s health and safety. Midwives already do this through professional practice and sensible work place approaches but they are now required to have a clearly articulated policy identifying the steps they take to support their and their clients health and safety needs.

Under the HSWA all self-employed midwives must have health and safety policies that meet the requirements of the legislation. To support midwives to meet this requirement the New Zealand College of Midwives has developed a Health and Safety policy relating to self-employed midwifery practice.



New Zealand College of Midwives Health and Safety at Work Policy

This policy is to be read in conjunction with the New Zealand College of Midwives advice:
**The Health and Safety of Midwives and
Safety for Midwives – A guide to Keeping Calm and Staying Safe**

Primary Intention

As a 'person conducting a business or undertaking' (PCBU) a self-employed midwife has a duty to protect the health and safety of themselves and others by, as far as reasonably practicable, not putting themselves or others at risk from work carried out as a PCBU.

This includes:

- Work carried out in women's homes, clinics and/or hospital settings.
- A duty to ensure their own individual safety.
- Hazard recognition and risk minimisation as far as is reasonably practicable.

A **hazard** is something with the potential to cause injury, illness, damage to property, damage to the environment or a combination of these.

A **risk** is the potential for harm from exposure to the hazard, eg. injury or illness.

Responsibilities of a Person Conducting a Business or Undertaking (PCBU)

A "PCBU" must:

- Acquire/keep updated knowledge of health and safety matters eg. fire risk, personal safety.
- Have an understanding of the nature of the PCBU operations and the associated hazards and risks eg. needle stick injury, infection, violence.
- Ensure the PCBU has available, and uses, resources and processes to eliminate/minimise risks eg. fire safety knowledge and emergency response advice in the clinic rooms.
- Ensure the PCBU has processes for identifying incidents, hazards, risk and respond in a timely way eg. keep log/documentation of any incident, knows local emergency contacts.
- Ensure the PCBU has and implements, processes for compliance under the HSWA eg. is aware of and understands the New Zealand College of Midwives Health and Safety policies.

To enable a self-employed midwife to meet the PCBU responsibilities the midwife needs to:

- Take reasonable care of own health and safety.
- Take reasonable care not to endanger anyone else by their actions (what you do) or omissions (what you fail to do).
- Where using other PCBU workplaces eg.hospital or clinic rooms, comply, as far as able, with any reasonable policy given by a PCBU in respect to health and safety.
- Co-operate with any reasonable policy or procedure at the workplace relating to health and safety eg. work place practices, equipment, familiarity with any protective clothing or equipment available, participate in training, and report hazards, faulty equipment, an incident or injury.

(Any PCBU policies that may affect an individual's (LMC PCBU) rights to informed consent eg. vaccination would be expected to be discussed with that individual in respect of the scientific evidence, reasonableness and legal rights).

Taking reasonable care of self and others while carrying out midwifery practice and taking all practicable steps to avoid or minimise risk would include:

- Practicing to the standards of the profession.
- Indemnity insurance.
- Maintaining regulatory recertification requirements.
- Ensuring professional and practice support
 - Practice partners/back up/locum services
 - Cover for regular time off
- Managing work-life balance including taking leave regularly.
- Ensuring equipment used is regularly maintained
 - Sphygmomanometer, hand held doppler
 - Equipment loaned/hired to clients eg. birth pools, birth stools
- Ensuring optimal communication - cell phones, radio phones for rural settings, paging system.
- Knowing how to contact local emergency services.
- Ensuring safe storage of documentation/records
 - Comply with Retention of Health Information Regulations
 - Comply with Privacy Act 1993 and Health Information Privacy Code 1994
- Consideration for potential of cross contamination/infection
 - Maintenance of Universal Precautions
 - Barrier consumables are used when appropriate eg. gloves, sanitisers, eye protection
 - Safe disposal of needles, body fluids
 - Ensuring you have access to sterilization of equipment when appropriate

- Aware of procedures for reporting Notifiable infections/diseases
- Safe transport
 - Regular maintenance of vehicle
 - Safe driving skills
 - Having roadside assistance available
- Familiarisation with clients home environment
 - Safe Access
 - Lighting
 - Being aware of other residents
 - Awareness of personal safety if potential for violence – let your colleagues know where you are
 - Animals – consideration of personal safety as a priority
- Reporting of incidents or hazards to the appropriate organisation
 - Local authority contacts eg. council
 - Professional reporting
 - Health facilities you access

References:

New Zealand Government (2016), Health and Safety at Work Act 2015, Wellington, New Zealand

New Zealand Government, Privacy Act 1993, Wellington, New Zealand

Worksafe New Zealand, New Zealand Government
<http://www.worksafe.govt.nz/worksafe/hswa/hswa-guidance>

This Policy was ratified at the NZ College of Midwives AGM on 2 August 2017