

Statutory Liability Insurance

Hazardous Substances

Under the Health and Safety at Work (Hazardous Substances) Regulations 2017 there are specific duties applying to PCBUs who have "management or control" of a workplace, transit depot, or a hazardous substance location. These are:

- maintaining an inventory of hazardous substances at the workplace that includes the name, quantity, location, storage requirements of each hazardous substance, and any hazardous waste,
- obtaining and making available to workers, current safety data sheets for hazardous substances,
- ensuring that containers of hazardous substances are properly labelled,
- displaying signage in the workplace for certain quantities of hazardous substances,
- ensuring hazardous substances are in appropriate containers or packaging, and
- where specific quantities of hazardous substances are present, ensuring there are sufficient fire extinguishers and preparing a workplace emergency response plan.

The 2017 Regulations apply to a wide range of hazardous substances which are defined as those properties as follows:

- explosiveness (class 1),
- flammability (classes 2 to 4),
- a capacity to oxidise (class 5),
- toxicity (class 6), and
- corrosiveness (class 8).

PCBUs must also review and change any controls which have been put in place in relation to hazardous substances at the workplace if:

- there is a significant change to published information about a hazardous substance;
- a notifiable event occurs involving a hazardous substance; or
- at least once every five years.

Failure to comply with this requirement could result in a prosecution by WorkSafe which if successful might mean a fine of up to NZ\$50,000 for a business. This differs from the Health & Safety at Work provisions in that there is no requirement for 'harm' to persons simply a failure to 'manage and control'.

The VL Statutory Liability policy would respond to prosecutions for an innocent breach of these regulations. As well, VL's Public Liability and LegalEdge policies have a specific extension to cover costs resulting from a hazardous substances emergency at the insured's workplace.

Talk to your VL underwriter if you have any queries.

