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**WORKSAFE**  
NEW ZEALAND | MAIHI HUMANIAKI  
KŌHĀKĀ

**ITC**   
International Training Centre

# **TRAINEE MANUAL**

## **Pacific Sub-Regional Foundation Skills Training for OSH and Labour Inspectors**

**Cook Islands - Kiribati-Tuvalu  
Solomon Islands - Tonga - Vanuatu**

21-25 November 2016  
Auckland  
New Zealand





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## About this Programme: Foundation Skills

This *Foundation Skills Programme* is specifically designed for Labour and Occupational Safety and Health (OSH) Inspectors in the Pacific.

Strong and effective labour inspection is an essential element of good labour governance and, for this reason key international labour standards on labour inspection are accorded the status of “Priority Conventions” of the International Labour Organisation (ILO).

A number of Pacific Governments have prioritised improving their labour and OSH inspection functions under Outcome 1 of its Decent Work Country Programme (DWCP). Outcome 1.2 provides that:

*“OSH and Labour inspection systems are, with the support of the social partners, in place and able effectively implement and enforce new OSH legislation and labour inspection legislation or standards.”*

The purpose of this training programme is to deliver Labour and OSH Inspectors with foundation skills relating to core Inspector functions and practice under their existing and pending legislation. While some states have updated or enacted new legislation for the regulation of OSH and labour Standards some are still progressing towards this. This programme is therefore also designed to provide generic key principles of Inspection. Where possible trainees will be asked to complete exercises that relate to their own jurisdiction.

This programme comprises:

- Pre-course preparation exercises to be completed by all Labour and OSH Inspectors
- A five day practical training course to be completed by Labour and OSH Inspectors that includes assessment exercises and practical exercises including Inspector visits to workplaces in Auckland supported and led by Work Safe New Zealand
- A selection of chapters on course materials that will become a useful hard (and soft copy) guidance resource for each trainee
- Inspection and report templates designed for inspectors to use for their routine inspection activities, accident investigations and work regarding hazardous substances
- Links to further reading and resources
- Audio visual presentations.





## Course Programme

### Day One Sessions

1 hour 30 minutes	<b>Course Opening and welcome</b>	<b>1 Introduction</b> <ul style="list-style-type: none"> <li>Registration, Speeches, Housekeeping, introductions, expectations and the agenda</li> </ul>
15 minutes	<b>About the Course</b>	<b>2 About the Course</b> <ul style="list-style-type: none"> <li>Explanations about the delivery and style learning activities on the course and a quick orientation of the folders.</li> </ul>
15 minutes	<b>ILO Turin</b>	<b>3 ILO Turin Virtual Reality Pilot</b> <ul style="list-style-type: none"> <li>Brief introduction</li> </ul>
45 minutes	<b>Part One: The ILO and Defining Labour Inspection</b>	<b>4 International Labour Standards and context</b> <ul style="list-style-type: none"> <li>ILO Conventions and global inspection standards</li> </ul>
30 minutes		<b>5 Defining Inspection: An Introduction</b>
1 hour 30 minutes		<b>6 Legislation, interpretation and application</b> <ul style="list-style-type: none"> <li>Overview of the purpose of inspectorate legislation</li> <li>Exercise: What does legislation tell an inspector about how to do their job?</li> </ul>
1 hour		<b>7 How Inspectors must behave: ethics</b> <ul style="list-style-type: none"> <li>How do we act in our formal role as Labour Inspectors?</li> <li>Exercise: Facing challenges</li> </ul>
1 hour		<b>8 Presentations</b> <ul style="list-style-type: none"> <li>Exercise: Presenting what we know about our roles based on scenarios</li> </ul>
30 minutes		<b>Round-up</b>



<b>Informal evening seminar</b>		

## Day Two Sessions

Approximate Time	Section	Day Two Sessions
20 minutes	Assessment	<b>10: Learning assessment</b> <ul style="list-style-type: none"> <li>Facilitator led questions, answers and group discussion on yesterday's learning and overnight reading.</li> </ul>
30 minutes	<b>Part Two: Principles of Inspection</b>	<b>11: Types of Inspectorate interventions</b> <ul style="list-style-type: none"> <li>Investigating something that has allegedly happened</li> <li>Checking compliance at a selected workplace</li> <li>Educating, empowering and enforcing</li> <li>Identifying the similarities and differences in approach</li> </ul>
30 minutes		<b>12: Benefits of preparation</b> <ul style="list-style-type: none"> <li>The 6 "Ps" and preparing your kit</li> <li></li> </ul>
1 hour		<b>13: Inspections</b> <ul style="list-style-type: none"> <li>Key principles</li> <li>Assisting and educating the employer</li> </ul>
20 minutes		<b>14: "Isaac's Story" – Audio Visual</b> <ul style="list-style-type: none"> <li>Discussion</li> </ul>
2 hours		<b>15: Accident investigations</b> <ul style="list-style-type: none"> <li>Fundamentals of accident inspection</li> </ul>
2 hours		<b>16: Hazardous substances</b>



		<ul style="list-style-type: none"> <li>• Workplaces with hazardous substances – some fundamentals: Audio-visual</li> <li>• The Globally Harmonised System (GHS) and practice with Safety Data Sheets.</li> <li>• Exercise: Interpretation of an SDS and writing a hazard alert</li> </ul>
10 minutes	<b>Round-up</b>	<b>17: Day ahead and day in review</b> <ul style="list-style-type: none"> <li>• Topic chapters handed out for overnight reading</li> <li>• Day reviewed</li> <li>• Day ahead</li> </ul>

## Day Three Sessions

Approximate Time	Section	Day Three Sessions
1 hour	<b>Assessment</b>	<b>18: Learning assessment</b> <ul style="list-style-type: none"> <li>• Facilitator led questions, answers and group discussion on yesterday's learning and overnight reading.</li> </ul>
2 hours 30 minutes	<b>Part three: Practical Inspection</b>	<b>19: Investigative interviewing skills</b> (with reference to the P.E.A.C.E model) includes role play exercises.  <i>'Conversations with a purpose'</i> <ul style="list-style-type: none"> <li>• Asking the right types of questions</li> <li>• Keeping things on track</li> <li>• Getting the best information and evidence</li> <li>• Managing the 'conversation'</li> </ul>
1 hour 30 minutes		<b>20: Addressing Conflict</b> <ul style="list-style-type: none"> <li>• Managing challenging behaviour of others during inspections or investigations</li> <li>• Managing your impartial role during inspections or</li> </ul>



		<p>investigations</p> <ul style="list-style-type: none"> <li>•</li> </ul>
1 hour		<p><b>21: Recording and managing information</b></p> <ul style="list-style-type: none"> <li>• File management and protecting information</li> <li>• All you ever wanted to know about using notebooks</li> </ul>
30 minutes	<b>Round-up</b>	<p><b>22: Day ahead and day in review</b></p> <ul style="list-style-type: none"> <li>• Topic chapters handed out for overnight reading</li> <li>• Day reviewed</li> <li>• Day ahead</li> </ul>

## Day Four Sessions

30 minutes	<b>Assessment</b>	<p><b>23: Learning assessment</b></p> <ul style="list-style-type: none"> <li>• Facilitator led questions, answers and group discussion on yesterday's learning and overnight reading.</li> </ul>
20 minutes	<b>Audio Visual</b>	<p><b>24: "Finaunga's Story"</b></p> <p>Discussion on under reporting and protection of workers who report</p>
1 hour	<b>Part three: Practical Inspection (continued)</b>	<p><b>25: Reporting</b></p> <ul style="list-style-type: none"> <li>• Forming a conclusion</li> <li>• Principles of natural justice</li> <li>• Impartial evidence based language</li> <li>• Using a report template</li> </ul>





90 minutes		<b>26: Preparation practical</b>  <b>Field visits supported by Worksafe NZ</b>  <b>OR ...</b>  <b>(If field visits cannot proceed) Role Played visits</b> <ul style="list-style-type: none"> <li>• Participants work in pairs or groups to prepare for role-played site visits or actual field visits.</li> </ul>
2 hours		<b>27: Practical inspectorate visits</b> <ul style="list-style-type: none"> <li>• Field visits supported by Worksafe NZ</li> <li>• OR Role Played visits</li> </ul>
1 hour	<b>Recap</b>	<b>28: Field Visit feedback/ sharing of experience</b>
15 minutes	<b>Round-up</b>	<b>29: Day ahead and day in review</b> <ul style="list-style-type: none"> <li>• Reading homework handouts</li> <li>• Day reviewed</li> <li>• Day ahead</li> </ul>

## Day Five Sessions

Approximate Time	Section	Day Five Sessions
90 minutes	<b>Virtual Reality training Pilot</b>	<b>30: Turin team presentation</b> <ul style="list-style-type: none"> <li>• A run through of the virtual reality pilot</li> </ul>
45 minutes	<b>Part Five: Developing Practice</b>	<b>31: Strategic Planning</b> <ul style="list-style-type: none"> <li>• Why observe, share, analyse and record trends?</li> <li>• Ideas for engaging with useful stakeholders</li> <li>• Ideas for planning strategic work programmes</li> </ul>
30 minutes		<b>32: Ongoing learning and development for Inspectors</b>



		<ul style="list-style-type: none"><li>• Creating a reflective practice model</li><li>• Maintaining a record of learning</li></ul>
45 minutes	<b>Round up</b>	<b>33: Action Planning</b> <ul style="list-style-type: none"><li>• Country level implementation</li></ul>
15 minutes	<b>Recap</b>	<b>34: Review 'park up' board and revisit expectations</b> <ul style="list-style-type: none"><li>• Address any remaining 'parked' issues</li><li>• Revisit expectations from day one</li></ul>
15 minutes	<b>Evaluation</b>	<b>35: Training Evaluation</b> <ul style="list-style-type: none"><li>• Complete forms</li></ul>
45 minutes	<b>Closure</b>	<b>36: Closure</b> <ul style="list-style-type: none"><li>• Certificates awarded</li><li>• Contact details of the facilitators</li><li>• Farewell and final words</li></ul>



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## Pre Course Preparation: Foundation Skills

Before attending the training you will need to *individually* complete the two activities set out below. It may be useful to discuss the requirements of these activities as a team before you get started. Contact your ILO representative for assistance if anything is unclear.

### Task One

During the training course you will be asked to describe a real life experience you have had in your role as a Labour Inspector. You will be asked to describe:

*“The most challenging thing I have had to deal with as an Inspector ...”*

You may want to take notes of your experience so you can remember what you want to explain. Try to identify an example that has been a challenge for you from a personal ‘human’ perspective rather than describing a technical challenge. For example you may have had a challenging experience when you had to deal with someone who was older than you and intimidated you because of their ‘rank’, who was a different gender from you and was reluctant to answer your questions or someone who was related to you and wanted you to favour their situation because of that relationship. You may also have experienced a challenge when you were confronted with serious injury or death in the workplace. Be prepared to be open and discuss why the situation was a challenge, what you did to overcome the challenge and any lessons learnt for your future practice.

### Task Two

For this activity, you will complete at least TWO self-assessments of site visits you undertake before the Foundation Skills course commences. To complete this exercise, you will need to complete the assessment sheet on the following page for TWO workplaces. Please bring these sheets to the course with you. You will be using these to discuss your practice as an Inspector. They will not be handed in or assessed.

## Pre Course Preparation: Foundation Skills

### Inspector on-the-job self-assessment

Routine inspection <input type="checkbox"/>	Inspection on compliant or incident <input type="checkbox"/>	Scale					
Self-assessment item (If item is not applicable mark NA)		N e v e r	Most of the time			A l w a y s	N A
<b>Interview skills</b>							
	When I asked the employer questions I received mainly yes or no answers.	1	2	3	4	5	
	When a person I questioned appeared to be hiding something or not telling the truth I tried to ask questions differently to get at the truth	1	2	3	4	5	
	I did not ask some questions because I did not want to upset the employer	1	2	3	4	5	
<b>Routine Inspections</b>							
	When I completed the routine check I asked to observe the use of equipment by workers	1	2	3	4	5	
	When I completed the routine check, I checked the employer's answers by asking his or her workers questions to verify what the employer said	1	2	3	4	5	
	I hurried my process during the visit so that I did not disrupt the employer's workplace	1	2	3	4	5	
	I dealt with any tension in the workplace by using light hearted conversation	1	2	3	4	5	
	I recorded my observations, findings and all interviews in such a way that they made sense later and were an accurate record with time, date and place.	1	2	3	4	5	
<b>Preparation</b>							
	I planned clear objectives for the visit and I achieved these	1	2	3	4	5	
	I had all the tools and information I needed to meet the main objectives of my visit	1	2	3	4	5	
	I explained my role/ powers to people I talked to and checked that they understood	1	2	3	4	5	
	I explained why I was there to people I talked to and checked they understood	1	2	3	4	5	
<b>Education and empowerment</b>							
	I persuaded the employer to comply with all areas of the legislation that were not met without having to start formal steps	1	2	3	4	5	
	I knew all necessary information to advise the employer about how to comply	1	2	3	4	5	
<b>Enforcement</b>							
	If I took formal steps I explained the process carefully to the employer	1	2	3	4	5	
	If I took formal steps I my grounds to make my decisions were just and fair	1	2	3	4	5	



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## Pre Course Preparation: Foundation Skills

Ongoing practice and strategy					
I considered ways to educate others about issues found at this workplace to prevent problems	1	2	3	4	5
I debriefed with a colleague, the team or a senior about my visit	1	2	3	4	5



## Course Objectives: Foundation Skills

Section Objectives	Session goals
<p><b>Defining Labour Inspection</b></p> <p><i>To set a firm platform for inspectors to acknowledge and appreciate their place in a global profession of regulators.</i></p> <p><i>To begin to establish an understanding of trends in Labour Inspection globally and innovative ways to regulate towards fair, healthy, safe and productive workplaces.</i></p>	<p>By the end of the week you will have a sound understanding of:</p> <ul style="list-style-type: none"> <li>• The role of a Labour Inspector as a global profession and the importance of making Labour Inspection a valuable contributor to a fair, healthy, safe, competitive and productive economies</li> <li>• The basic principles of international Inspection and modern developments in inspection with a focus on the strategic and transparent balance between educative and enforcement actions</li> <li>• How legislation supports and defines the work of an Inspector including the appointment, powers, functions and duties under existing and pending legislation and ILO standards.</li> </ul>
<p><b>Principles of Labour Inspection</b></p> <p><i>To establish a sound knowledge and application of the role of a Labour Inspector and practice applying skills.</i></p>	<p>By the end of the week you will have a sound understanding of:</p> <ul style="list-style-type: none"> <li>• The role-relevant principles including inspection ethics, with reference to best practice standards.</li> </ul>
<p><b>Practical Labour Inspection</b></p> <p><i>To establish sound techniques and a knowledge and application of fundamental procedures for and provide practical opportunities to understand and or test the learnings in local situations.</i></p>	<p>By the end of the week you will be able to:</p> <ul style="list-style-type: none"> <li>• Plan for different types of inspection and investigation that include clear objective setting, risk analysis, employer profiling, and maintaining an up to date, and transportable inspection kit</li> <li>• Demonstrate a sound understanding of the fundamentals of investigating an accident or OSH incident including the preservation of evidence and maintaining the integrity of evidence</li> <li>• Demonstrate a foundation understanding of Hazardous Substance management</li> <li>• Demonstrate a sound understanding that you understand how to use an interview process to gain the best</li> </ul>



## Course Objectives: Foundation Skills

	<p>evidence and information</p> <ul style="list-style-type: none"> <li>• Demonstrate you are able to use conflict management techniques that help them remain impartial and to de-escalate and resolve conflict situations that you are confronted with in your role</li> <li>• Demonstrate you are able to manage all parties to a workplace dispute or all parties with an interest in an inspection or investigation including unions and employer groups and aggressive uncooperative employers</li> <li>• Use modern front line regulator techniques to educate and enable employers to comply</li> <li>• Demonstrate you understand why it is important to keep an impartial, accurate and if appropriate confidential record of your day to day work through the use of notebooks and file management</li> <li>• Become familiar with useful inspectorate templates.</li> </ul>
<p><b>Inspection reporting</b></p> <p><i>To establish a consistent method and format for internal and external reporting that is useful, efficient and professional.</i></p>	<p>By the end of the week you will be able to:</p> <ul style="list-style-type: none"> <li>• Demonstrate you can write an accurate, understandable and useful report for both external and internal readers by using a method and templates designed for this.</li> </ul>
<p><b>Developing Inspectorate practice</b></p> <p><i>To establish a structured 'culture of learning' that can continue to support best practice and application of skills learnt on this course</i></p> <p><i>To establish the concept of a team approach to thinking about and planning strategic regulation of workplaces.</i></p>	<p>By the end of the week you will have:</p> <ul style="list-style-type: none"> <li>• Explored ways to develop effective relationships with employer and employee organisations</li> <li>• Explored a selection of ways to think about planning and implementing operational strategies for inspection</li> <li>• A sound knowledge and have practiced skills to develop a 'culture of learning' in your Inspectorate which includes regular reflective practice and constructive peer review</li> <li>• A sound understanding of giving and receiving constructive feedback and will have practiced this</li> <li>• Have learnt the importance of maintaining a learning record and how to commence using this.</li> </ul>
<p><b>Assessment and Evaluation</b></p>	<p>By the end of the week you will:</p>





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## Course Objectives: Foundation Skills

*To ensure that the training delivered is understood, can be applied and will enhance the overall performance of the trainee's Inspectorate in their home jurisdiction.*

- Have been assessed in your group learning as having the knowledge skills and capabilities in relation to the session goals and have demonstrated a sound level in all sessions or if not have clearly identified areas for development.



## Templates: Foundation Skills

### Templates and Checklists

#### Contents

	Page
Checklist For OSH Inspections	2
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Workplace Accident Form	11
Evidence Chain of Custody Tracking Form	22
OSH Investigation – Accident/ Incident Report	23
Labour Standards Investigation Report	25

## Templates: Foundation Skills

Self-Assessment Score Sheet and Summary Improvement sheet	27
Template Learning Record	30



## Templates: Foundation Skills

### Checklist for OSH Inspections

#### At the

#### Workplace

#### Entry

- Introduce, show identification, authority and reason to inspect
- Find and identify person in charge
- Repeat introduction if necessary
- Identify employer (if different to person in charge)
- Get employer contact details
- Manage conflicts of interest

#### During the Inspection generally

- Record all relevant aspects of the visit
- Manage ethical issues
- Manage conflict behaviours
- Protect information

#### General Observations

- Health
- Safety
- Forced labour
- Restriction of workers to  
organise and bargain
- Equal gender pay
- Discrimination
- Child labour
- Others

#### Obtaining all inspection information:

- Record
- Photograph



## Templates: Foundation Skills

- Sketch
- Follow chain of evidence procedures if necessary
  
- Interviews to verify all observations:**
  - Employer  Workers
  - Supervisors  Others
  - Managers
  
- Equipment and materials**
  - Procedure for use
  - Maintenance
  - Training
  - Supervision
  
- Hazardous substances**
  - Correct labelling by GHS
  - Correct maintenance and use of accurate SDS  Training  Supervision



## Templates: Foundation Skills

### Hazardous working environment

- Light levels
- Air quality
- Noise levels
- Electrical connections
- Water inlets and outlets
- Temperature control
- Moving machinery and vehicles
- Shelving and suspended items

### Personal Protective Equipment (PPE)

- Provision of necessary PPE by employer
- PPE is suitable for purpose
- PPE fits workers
- Workers are supervised and monitored in use of PPE
- PPE used by workers
- Workers are trained in use of PPE

### System of reporting and addressing hazards

- System for reporting all hazards
- Ongoing maintenance of system for reporting and addressing hazards
- Management system to address hazards
- Training in hazard reporting for workers
- Training of managers and supervisors in addressing hazards

## Templates: Foundation Skills

- Worker health**
- Toilet facilities
- Food preparation and eating areas
- Management of sick workers
- Rest breaks
- Emergency Procedures**
- First aid equipment
- Trained first aid personnel
- Procedures for accidents
- Working monitored equipment to communicate emergencies
- Fire and emergency exits
- Emergency drill training
- Training of new workers
- Identify breaches, complete report and require compliance**
- Discuss findings with employer and provide written report of findings
- Educate employer how to comply
- Leave employer with useful information or links to resources
- Set a date for compliance to be achieved
- Explain the consequences of not complying by the date set
- Set a date for a revisit to check compliance achieved





## Templates: Foundation Skills

### Back at the Office

- Check employer's understanding and answer questions
- Leave your contact details for anyone interviewed
- Thank the employer for their cooperation
  
- Refer issues relating to other jurisdictions**
  - Report to supervisor
  - Identify appropriate agency
  - Make referral in writing and keep a copy on file
  
- Complaints about Inspector or incidents during visit**
  - Record
  - Report to supervisor
  
- Review performance**
  - Complete an on the job assessment
  - Peer review immediate issues arising from assessment



## Templates: Foundation Skills

### Checklist for Labour Standards Inspections

#### At the

#### Workplace

#### Entry

- Introduce, show identification, authority and reason to inspect
- Find and identify person in charge
- Repeat introduction if necessary
- Identify employer (if different to person in charge)
- Get employer contact details
- Manage conflicts of interest

#### During the Inspection generally

- Record all relevant aspects of the visit
- Follow chain of evidence procedures if necessary
- Manage ethical issues
- Manage conflict behaviours
- Protect information

#### General Observations

- Health  Equal gender pay
- Safety  Discrimination
- Forced labour  Child labour
- Restriction of workers to organise and bargain  Others

#### Compliance Check: Observations

- Record



## Templates: Foundation Skills

- Photograph
- Interviews to verify observations:**
  - Employer  Workers
  - Supervisors  Others
  - Managers
- Compliance check: Records and documents**
  - Record
  - Copy
  - Photograph
- Interviews to verify records and documents:**
  - Employer  Workers
  - Supervisors  Others
  - Managers
- Identify breaches, complete report and require compliance**
  - Discuss findings with employer and provide written report of findings
  - Educate employer how to comply
  - Leave employer with useful information or links to resources
  - Set a date for compliance to be achieved
  - Explain the consequences of not complying by the date set
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## Templates: Foundation Skills

### Back at the Office

- Check employer's understanding and answer questions
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- Report to supervisor
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- Record
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# Templates: Foundation Skills

## Inspection Report

**File number:**

Date of Inspection: / /

Name and contact details of employer:

Contact details for employer:

Name and contact details of any other person or employees interviewed:

Areas inspected:

<input type="checkbox"/> Employee pay	<input type="checkbox"/> Deductions from Pay	<input type="checkbox"/> Annual and public holiday leave	<input type="checkbox"/> Discrimination of women and equal pay
<input type="checkbox"/> Rest breaks	<input type="checkbox"/> Daily work hours	<input type="checkbox"/> Maternity and pregnancy leave	<input type="checkbox"/> Breaks for nursing mothers
<input type="checkbox"/> Minimum Age	<input type="checkbox"/> Record of days and hours worked	<input type="checkbox"/> Employee contracts	<input type="checkbox"/> Piece Rate Register
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Equipment and materials	<input type="checkbox"/> Hazardous Substances	<input type="checkbox"/> Hazardous working environment	<input type="checkbox"/> Personal Protective clothing and equipment



### Templates: Foundation Skills

<input type="checkbox"/> System of reporting and addressing hazards	<input type="checkbox"/> Worker health	<input type="checkbox"/> Emergency Procedures	<input type="checkbox"/> Emergency equipment and exits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Templates: Foundation Skills

<p><b>The relevant information gathered and analysed</b></p>	
<p><b>The application of the law</b></p>	
<p><b>Conclusion</b></p>	<p>I conclude that the following areas are non-compliant and require correction:</p>
<p><b>Action</b></p>	<p> <input type="checkbox"/> Education of individual employer  <input type="checkbox"/> Education of wider industry group  <input type="checkbox"/> Formal action against employer         </p>
<p><b>Date for revisit to check compliance</b></p>	<p>/ /</p>
<p><b>Outcome revisit</b></p>	<p> <input type="checkbox"/> Compliance Achieved  <input type="checkbox"/> Compliance not achieved - Further Action to be taken which is:         </p>



## Templates: Foundation Skills

**Approval for Action if required**

- Approved with the following conditions:
- Approved with the following conditions:
- Not Approved because:

Manager name:

Manager signature:

Date: / /

Report writer

Inspector name:

Inspector signature:

Date: / /





## Templates: Foundation Skills

### Workplace Accident Investigation Form

File Number:

Name and contact details of employer:

Inspector (name and ID):

Particulars of Accident/Incident

Date of Accident: / /

Time:

Location:

Date reported or brought to attention of DLIR: / /

Object/substance causing damage:

Type of workplace

- Manufacturing
- Construction
- Mining
- Fishing
- Service/Retail
- Transport
- Farming/Plantation
- Other (describe) \_\_\_\_\_

Injured person

Name: / / Date of birth: / /

Address:



## Templates: Foundation Skills

Phone Number:

Length of employment at this workplace:

on this job:

**Supervisor of injured person**

Name and contact details:

**Treatment to victim**

Type of treatment given:

Name of person giving first aid:

Doctor/Hospital:

Likely consequence of injury:



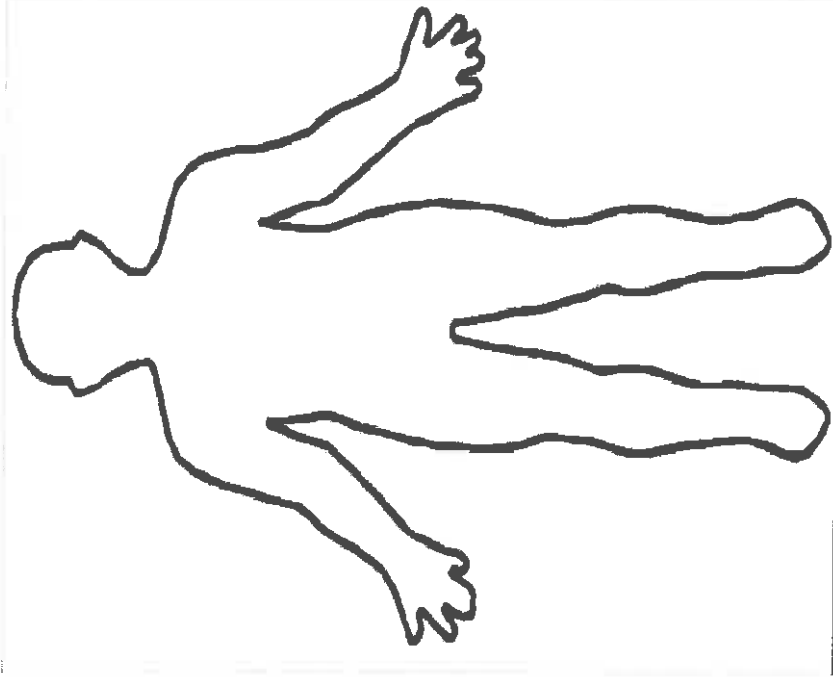
## Templates: Foundation Skills

### Type of injury

Bruising  Cut skin  Chemical reaction  Amputation  Foreign body  Burn/Scald  Fracture  Internal  Other

Mark the injured parts of the body:

## Templates: Foundation Skills





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## Templates: Foundation Skills

### Damaged property

Property or material damaged: Take photos and sketches

Detailed Timeline Description of Incident/ Accident (Use 24 hour clock e.g. 0900 or 1730 instead of 9.00 am or 5.00pm)

Date DD/MM/YYYY	Time 24 hour clock	What happened?



## Templates: Foundation Skills


**Sketch of Incident/Accident Scene:**

**Describe physical evidence collected and fill out Chain of Custody - Evidence Tracking form for file:**

## Templates: Foundation Skills

**Photo/Video Evidence (List, describe where the digital file is located):**



## Templates: Foundation Skills

### Person with Information – Statement Summary

Name:

Date and time interviewed: \_\_\_\_:\_\_\_\_ am/pm / \_\_\_\_ / \_\_\_\_

Role at the workplace:

Did you witness the incident/accident? Yes  No

Name and title of Interviewer:

I have read or been read the information on this form and agree it accurately explains the information I have given.

Signature of interviewee:

Summary of Statement:





## Templates: Foundation Skills

### Person with Information – Statement Summary

Name:

Date and time interviewed: \_\_\_:\_\_\_ am/pm / /

Role at the workplace:

Did you witness the incident/accident? Yes  No

Name and title of interviewer:

I have read or been read the information on this form and agree it accurately explains the information I have given.

Signature of interviewee:

Summary of Statement:



## Templates: Foundation Skills

### Person with Information – Statement Summary

Name:

Date and time interviewed: \_\_\_:\_\_\_ am/pm / /

Role at the workplace:

Did you witness the incident/accident? Yes  No

Name and title of Interviewer:

I have read or been read the information on this form and agree it accurately explains the information I have given.

Signature of interviewee:

Summary of Statement:



## Templates: Foundation Skills

### Person with Information – Statement Summary

Name:

Date and time interviewed: \_\_\_:\_\_\_ am/pm / /

Role at the workplace:

Did you witness the incident/accident? Yes  No

Name and title of interviewer:

I have read or been read the information on this form and agree it accurately explains the information I have given.

Signature of interviewee:

Summary of Statement:



## Templates: Foundation Skills

### **Incident/Accident Causation**

What was the direct cause of the accident? (What caused the injury or damage?) and why?

What was the main indirect cause(s) of the accident and why?

Task:

Worker(s):

Material/Equipment:

Management systems:



## Templates: Foundation Skills

Environment:



## Templates: Foundation Skills

### Level of seriousness of risk

How serious could it have been?

Minor  Serious  Very Serious

How often is this likely to happen again?

Not often  Occasionally  Often

### Prevention:

What action has been taken immediately or will be taken to stop another accident like this happening?

- Education of employer to eliminate, isolate or reduce the risk
- Employer educates all relevant employees about improvements
- Revisit on / / by DLIR to check that employer has dealt with the risk
- Formal Action by DLIR against employer to deter others (specify action and outcome)
- Other:

**Form completed by (Inspector name, signature and ID Number):**

## Templates: Foundation Skills

Date: / /



# Templates: Foundation Skills

## Evidence Chain of Custody Tracking Form

File number:

Submitting Inspector: (Name/ID)

Date/Time Obtained:

Where Obtained:

Item number	Quantity	Description of Evidence
		Description of Item (Model, Serial number, Condition, Marks, Scratches, Colour)

### Chain of Custody

Item number	Date/Time	Released by (Signature & ID)	Received by (Signature & ID)	Comments/Location



## Templates: Foundation Skills

--	--	--	--	--	--



## Templates: Foundation Skills

### OSH Investigation – Accident / Incident Report

File number:

Accident/incident brought to the attention of the DLIR on / / by: \_\_\_\_\_  
Person bringing matter to attention wants to remain anonymous: Yes  No  Reason: \_\_\_\_\_

<b>Name and contact details of employer</b>	
<b>Contact details for employer</b>	
<b>Name and contact details of any accident victims</b>	
<b>Background</b>	
<b>The issue(s) to be investigated.</b>	
<b>The relevant information gathered and analysed</b>	



## Templates: Foundation Skills

<b>The application of the law</b>	
<b>Conclusion</b>	
<b>Action</b>	<input type="checkbox"/> Education of individual employer <input type="checkbox"/> Education of wider industry group <input type="checkbox"/> Formal action against employer
<b>Date for revisit to check compliance</b>	/ /
<b>Outcome revisit</b>	<input type="checkbox"/> Compliance Achieved <input type="checkbox"/> Compliance not achieved - Further Action to be taken which is:



## Templates: Foundation Skills

### Approval for Action if required

- Approved
- Approved with the following conditions:
- Not Approved because:

Manager name:

Manager signature:

Date: / /

Report writer

Inspector name:

Inspector signature:

Date: / /

### Labour Standards Investigation Report

File number:

Complaint or alert brought to the attention of the DLIR on / / by: \_\_\_\_\_  
Person bringing matter to attention wants to remain anonymous: Yes  No  Reason: \_\_\_\_\_

Name and contact details of employer

Contact details for employer

Name and contact details of any accident victims

## Templates: Foundation Skills

<b>Background</b>	
<b>The issue to be investigated.</b>	
<b>The relevant information gathered and analysed</b>	
<b>The application of the law</b>	
<b>Conclusion</b>	



# Templates: Foundation Skills

<b>Action</b>	<input type="checkbox"/> Education of individual employer <input type="checkbox"/> Education of wider industry group <input type="checkbox"/> Formal action against employer
<b>Date for revisit to check compliance</b>	/ /
<b>Outcome revisit</b>	<input type="checkbox"/> Compliance Achieved <input type="checkbox"/> Compliance not achieved - Further Action to be taken
<b>Approval for Action if required</b>	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with the following conditions: <input checked="" type="checkbox"/> Not Approved because:
<b>Report Writer</b>	Manager name: _____ Date: / / Manager signature: _____ Inspector name: _____ Date: / / Inspector signature: _____



## Templates: Foundation Skills

**Self-Assessment Score Sheet Complete at least five sheets after workplace visits and check your scores below on the Summary Sheet.**

PLAN	Never	Seldom	Sometimes	Mostly	Always	N/A
I had clear objectives	1	2	3	4	5	
I had all necessary tools and information	1	2	3	4	5	
<b>DO - Conducting Inspections</b>						
I showed my ID, explained my statutory role and powers, and checked understanding	1	2	3	4	5	
I explained the reason for my visit and checked understanding	1	2	3	4	5	
I hurried my process so that I did not disrupt the employer's workplace	1	2	3	4	5	
I used light hearted conversation to make the employer and others like me	1	2	3	4	5	
I checked the employer's answers by asking some workers to verify what the employer said or showed me.	1	2	3	4	5	
I reacted impartially if I was asked by anyone to 'go easy' on the employer	1	2	3	4	5	
<b>DO - Interviewing</b>						
When interviewing I talked the most	1	2	3	4	5	
When I asked the employer questions I received mainly yes or no answers	1	2	3	4	5	
I kept the interview on track and did not let the person being interviewed take over with irrelevant information	1	2	3	4	5	
I did not ask some questions because I did not want to upset the employer	1	2	3	4	5	
I clarified what I heard by using closed questions at appropriate intervals	1	2	3	4	5	
<b>DO - Conflict Behaviour</b>						
I reacted in anger to a person behaving aggressively towards me	1	2	3	4	5	
I correctly identified obstruction and used the correct warning	1	2	3	4	5	
<b>DO - Recording</b>						
I recorded my observations and all interviews and they were an accurate record in time, date and place	1	2	3	4	5	
<b>DO - Confidentiality</b>						
I protected my files and Notebook at all times while in the field	1	2	3	4	5	
<b>REPORT &amp; COMPLIANCE - Reporting</b>						



## Templates: Foundation Skills

I reported my conclusions based on facts gathered and best evidence	1	2	3	4	5
<b>REPORT &amp; COMPLIANCE - Achieving Compliance</b>					
I persuaded the employer to comply with all areas of the legislation that were not met	1	2	3	4	5
I knew all necessary information to advise the employer about how to comply	1	2	3	4	5
If I took formal steps I explained the process carefully to the employer	1	2	3	4	5

### Self-Assessment Summary Score and Improvement Sheet

After at least 5 on the job self-assessments review your scores against each criteria on the following sheet and complete the necessary improvement tasks if you have scores in the range that indicates you need improvement.

#### **Bold headings match corresponding sections in this booklet**

	Mostly in this range need improvement	Improvement Task – some refer to relevant sections in this booklet
<b>PLAN</b>		
I planned clear objectives		Read and apply: Planning Inspections and Investigations
I had all necessary tools and information	1-3	Read and apply: Planning Inspections and Investigations
<b>DO - Conducting Inspections and Investigations</b>		
I showed my ID, explained my statutory role and powers, and checked understanding	1-3	Practice a standard introduction and clarifying questions. Focus on using this.
I explained the reason for my visit and checked understanding	1-3	Practice a standard explanation of your purpose. Focus on using this during visits.





## Templates: Foundation Skills

I hurried my process during the visit so that I did not disrupt the employer's workplace	3-5	Practice a standard explanation about the through job you must do. Think of ways to 'sell' the benefits of your full inspection or investigation to the employer's business.
I used light hearted conversation to ensure the employer and others liked me	3-5	Put on a more formal hat when you do your job and save light conversations for outside of your work. Remind yourself you are not there to make friends.
I checked the employer's answers by asking some workers to verify what the employer said or showed me	1-3	Start incorporating a verifying stage into your inspections.
I reacted impartially if I was asked by anyone to 'go easy' on the employer	3-5	Read and Apply: How Inspectors must behave: Ethics
<b>DO - Interviewing</b>		
During the interview I did most of the talking	3-5	Read and Apply: Investigative Interviewing
When I asked the employer questions to gather information about compliance in the workplace I received mainly yes or no answers.	3-5	Read and Apply: Investigative Interviewing
I kept the interview on track and did not let the person being interviewed take over with irrelevant information	1-3	Read and Apply: Investigative Interviewing
I did not ask some questions because I did not want to upset the employer	3-5	You may be avoiding the discomfort of being faced with an angry response. Ask a colleague to practice with you.
I clarified and summarised what I heard by using closed questions at appropriate intervals	1-3	Read and Apply: Investigative Interviewing
<b>DO - Addressing Conflict Behaviour</b>		
I reacted in anger (verbal or physical) to a person behaving aggressively towards me	3-5	Read and apply: Addressing Conflict Behaviour / How Inspectors must behave: Ethics
I correctly identified a possible Offence of Obstruction and used the correct warning	1-3	Read and Apply: Addressing Conflict Behaviour – the Offence of Obstruction. Prepare and practice standard wording to use.
<b>DO - Recording – Use of Notebooks</b>		



## Templates: Foundation Skills

I recorded my observations, findings and all interviews in such a way that they made sense later and were an accurate record with time, date and place	1-3	Read and apply: Recording - Use of Notebooks
<b>DO - Confidentiality of Information</b>		
I protected my files and Notebook at all times while in the field	1-3	Read and apply: Confidentiality of Information
<b>REPORT AND COMPLIANCE - Reporting</b>		
I reported my conclusions based on the facts gathered and the best evidence obtained.	1-3	Read and apply: Reporting
<b>REPORT AND COMPLIANCE - Achieving Compliance</b>		
I persuaded the employer to comply with all areas of the legislation that were not met.	1-3	You may need to improve persuasion skills. Try selling the benefits of compliance like a 'salesperson'. If persuasion fails record all the steps you took to 'try' to persuade. This gives you good grounds to get approval for formal action.
I knew all necessary information to advise the employer about how to comply	1-3	Always update after every visit and learn anything you did not know about.
If I took formal steps I explained the process carefully to the employer	1-3	Revise the formal procedure for actions you may take and plan a standard explanation or have explanatory material ready to give to the employer.



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## Templates: Foundation Skills

### Learning Record

Learner Name: \_\_\_\_\_

Supervisor name: \_\_\_\_\_

### Section One: Training Completed

Topic	Completion Requirement	Completion Date and sign off
Foundation Skills Programme		Completion Date _____ Sign off _____ Supervisor Signature _____
		Completion Date _____ Sign off _____ Supervisor Signature _____

## Templates: Foundation Skills

	<p>Completion Date ____/____/____</p> <p>Sign off Supervisor Signature _____</p>

## Section Two: Legislation and Role Knowledge

Topic	Completion Requirement
	<p>Completion Date ____/____/____</p> <p>Sign off Supervisor Signature _____</p>
	<p>Completion Date ____/____/____</p> <p>Sign off Supervisor Signature _____</p>
	<p>Completion Date and sign off</p>

## Templates: Foundation Skills

		<p>Completion Date _____</p> <p>Sign off Supervisor Signature _____</p>
--	--	---



## Templates: Foundation Skills

### Section Three: On the Job Activity

Topic	Completion Requirement	Completion Date and sign off
		Completion Date ___/___/___ Sign off Supervisor Signature _____
		Completion Date ___/___/___ Sign off Supervisor Signature _____
		Completion Date ___/___/___ Sign off Supervisor Signature _____
		Completion Date _____

## Templates: Foundation Skills


		<p>_____ <b>Sign off</b> Supervisor Signature</p>
--	--	---











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# Labour, Health and Safety Inspector Foundations Skills Programme

Kiribati, Tuvalu, Cook Islands  
Solomon Islands, Tonga, Vanuatu


Auckland  
2016

Facilitators: Antoinette Baker & Rod Dickson

**WORK**  
NEW ZEALAND

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# Day One

## Haere Mai!

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# Housekeeping

- Toilets
- Emergency procedures
- Breaks, food and drink
- Cell phones and devices

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# Presenters and others!

- **Antoinette Baker**
  - Consultant, former senior Labour Inspector and Practice Leader
- **Rod Dickson**
  - Technical Specialist, Occupational Health, Worksafe NZ
  - Previous senior Inspector and Specialist Investigator, Worksafe NZ
- **Others present and why**
  - ILO from Suva and Turin, Italy

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## introductory exercise

- My name is...
- I am from ... S.I
- On this course you can call me... *Ray routine & reactive inspection*
- My Inspector role is ... *Dealing with Safety Standards*
- I worked as an Inspector for...(length of time) *9 months*
- The best thing about being an inspector is...
- The most challenging thing I have dealt with as an inspector.... *monitoring*
- Two things I would like to get out of this course are...
- My favourite food is ... OR in my spare time I like to do...

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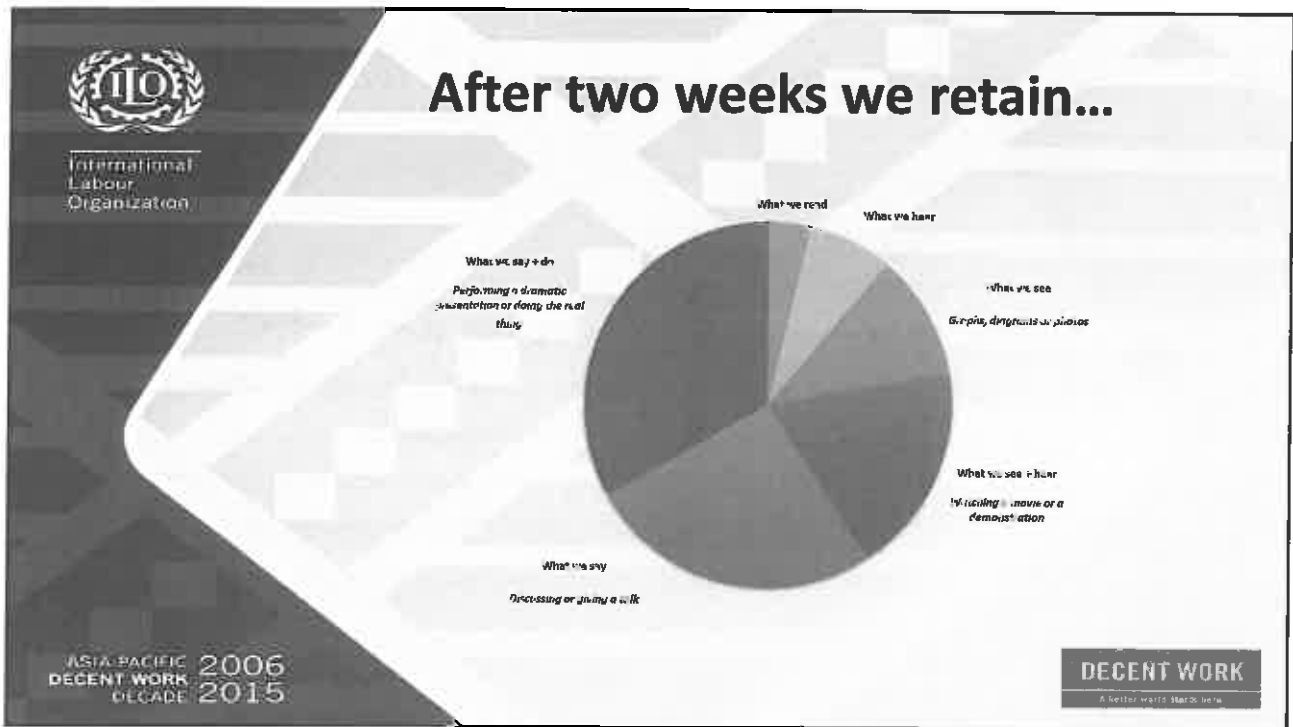
## About this course


Day	Content
Monday (Day 1)	About the course Virtual Reality from Turin! About the ILO Defining Inspection
Tuesday (Day 2)	Principles of Inspection
Wednesday (Day 3)	Practical Inspection
Thursday (Day 4)	Practical Inspection including site visits
Friday (Day 5)	Inspection reporting and developing practice

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## Materials and reading

- **Your folder contains:**
  - Full course agenda
  - Material about the ILO
  - Exercises
  - Templates
- **You will be given:**
  - Additional handouts and exercises
  - Chapters for your folder to read at the end of each day
- **You will be asked questions about:**
  - What you have learnt and read each day!

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# A brief introduction from our Turin ILO friends

## Virtual Reality?????

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# Day One


## About the ILO

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## About the ILO

- **Established in 1919**
- **Became a United Nations Agency when it was founded after World War II in 1945.-**
- **Official languages: English, French and Spanish**
- **Mandate: improve the world of work**
- **Members: Governments, employers, workers**
- **Develops international labour standards**

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## Key ILO Standards

- **Labour Inspection Convention (No. 81) 'Priority Convention'**
- **The Occupational Safety and Health Convention, 1981 (No. 155)**
- **Protocol of 2002 to the Occupational Safety and Health Convention, 1981**
- **Occupational Health Services Convention, 1985 (No.161)**
- **Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**

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## Labour Inspection Convention (No. 81)

- **Functions of Labour Inspectors**
- **Should be under the authority of the government**
- **Should be enabled to collaborate with other government departments**
- **Inspectors have job security**
- **Inspectors have qualifications and training**
- **Inspectors can be men or women**
- **Specialist expertise in for example health and science will be employed as necessary**
- **Inspectors should number proportionate to the number of workplaces, employees, and types of employees and the complexity of laws to enforce, and have resources to do the job.**
- **Inspectors should be provided with access to an office and transport to do the job.**
- **Powers to enter, inspect and take copies of material, interview, post notices, take samples. Must tell an employer they are present unless prejudicial to their investigation.**
- **Powers to make things immediately safe in workplaces**
- **Inspectors should be notified of accidents, disease.**
- **Keep confidential commercial secrets and identity of complainants**
- **Carry out regular inspection of workplaces**
- **Act with discretion to enforce the law immediately on a breach or through a process of allowing correction.**
- **Adequate penalties**
- **Report to government on activities**
- **Reports to be published and provided to ILO**

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## Occupational Safety and Health Conventions

- *Amended* **The Occupational Safety and Health Convention, 1981 (No. 155)**
- **Protocol of 2002 to the Occupational Safety and Health Convention, 1981**
- **Occupational Health Services Convention, 1985 (No.161)**
- **Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**

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## Read more...

To learn more about ILO conventions and to read them or get PDF copies go to <http://www.ilo.org/global/standards>

## Questions or comments?

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## Exercise: ILO Matching game

- Break into pairs or threes.
- Each group will be given an envelope containing a puzzle.
- You have approximately 10 - 15 minutes to match the name of each ILO Convention in the envelope with selected texts (Articles) from the Convention.
- Be prepared to report back!

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# Day One

## Defining Inspection: An Introduction

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# “What do Inspectors do?”

## Brainstorm

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## “What powers do Labour Inspectors have?”

- Enter workplaces with or without prior notice
- Interview people at workplaces
- Interview people who are connected to employing workers
- Investigate accidents or complaints about non-compliance with labour, OSH or related laws.
- Take copies, (sometimes) seize, inspect evidence to decide whether there is breach/ offence of labour, OSH or related laws
- Take formal action against employers or others who breach labour, OSH or related laws in their country.

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## “What Principles guide Inspectors?”

Be consistent in approach	CONSISTENCY
Take action that matches the harm	PROPORTIONATE ACTION
To be accountable to the public	ACCOUNTABILITY
To act fairly	FAIRNESS

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# Day One

## Defining Inspection: Legislation, Interpretation and application

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## Local Legislation

Country	Title	Content includes ...
Cook Islands	Employment Relations Act 2012	Labour Standards
	Dangerous Goods Act 1984	Hazardous Substance management
	Workers Compensation Ordinance 1964	
Kiribati	Occupational Health and Safety Act 2015	OSH
	Employment Ordinance 1966	Labour Standards
	Employment Amendment Act 2008	Discrimination through gender, disability, HIV Aids, young people as employees in hazardous work, equal pay
Tuvalu	Employment Ordinance 1966	Labour Standards

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# Appointment of Inspectors

## By the Government

### Why?



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# Functions, Powers and Duties

- Contained in legislation
- ILO Conventions
- Best practice
- Ethics

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## Functions, Powers and Duties

# 3 x Exercises and a brainstorm!

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## Enforcement Approach Key Points

- **Educating** employers and workers **about their rights and obligations**
- **Educating and supporting** employers and employees **to eliminate risk**
- **Facilitating and strengthening** workplace relationships to improve labour relations, employment standards and OSH compliance
- Using **'hard' enforcement** tools as a **'last resort'**
- A **collaborative** Government approach

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# Day One

## How Inspectors must behave

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## How Inspectors should behave

Some terminology commonly used

- Code of conduct
- Code of ethics
- Conflict of interest
- Natural justice

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# What would you do as an Inspector and why?

An ethical dilemma!



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# So what can I say?

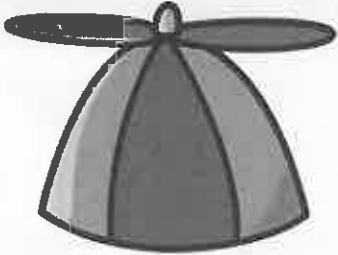
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## The Hat

**'I am working today in my role as a Labour Inspector not as someone you know from the village we grew up in. When I work in my Labour Inspector role it is like I have a specific hat on. While the hat is on there are ways I must act and things I must not do.'**




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## Empathy but firmness

**'While I understand from you that your business has problems I have been entrusted to do this role and I have no choice but to...'**



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## The Gift offers



**'Thank you for the offer but as an Inspector the rule of my job is that I am unable to accept any gifts when I carry out my duties.**

**If I do it may look as if I am favouring you over others or treating you differently because you have given me something.'**

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## Stand firm




**STAND FIRM!**


**'If I walk away from your business without doing anything to get you to correct these things I will be doing something I must not do in my role as a warranted labour inspector.'**

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## Managing the 'excuses' not to comply



**'You have told me that you are unable to comply for these reasons ... but in my Inspector role I am not able to walk away from making sure you get these things corrected. We can negotiate some of the ways that you can correct these things [time frames and method] but we cannot negotiate for you not to correct them.'**

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## Show you understand context


**Be familiar and keep up to date with:**

- The business environment
- Issues with accessing labour and recruiting
- Market forces – cultural issues, environmental disasters
- Be ready to offer some suggestions

**DO** Reflect technical knowledge and understanding  
**DON'T** Collude, offer personal opinions or say "Off the record"

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## Exercise on ethics


**Group one: Palm Oil Factory**  
**Group two: Second Hand Clothes Warehouse**  
**Group three: Fish Processing Plant**

Instructions in Folder

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## Fish Processing Plant (mock situation)







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## Second Hand Clothes Warehouse (mock situation)




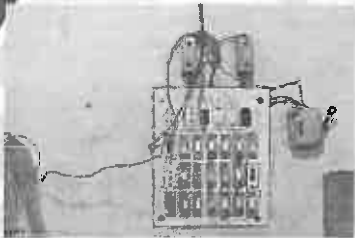


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## Palm Oil Factory (mock situation)



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## Summary of ethics

<b>Be consistent in approach</b>	<b>CONSISTENCY</b>
<b>Take action that matches the harm</b>	<b>PROPORTIONATE ACTION</b>
<b>To be accountable to the public</b>	<b>ACCOUNTABILITY</b>
<b>To act fairly</b>	<b>FAIRNESS</b>

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## Presenting to employers

What did we cover in this session?

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## Day 1 in review

- **Defining Inspection**
- **The ILO**
- **Functions, Powers and Duties of Inspectors**
- **Managing ethical dilemmas**

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## Day 2 Ahead

- **Review of Homework Reading**
- **Types of Inspectorate Interventions**
- **Preparation, Preparation, Preparation**
- **Inspections**
- **Accident investigations**
- **Hazardous Substances**

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**WORKSAFE**  
NEW ZEALAND | HAKI KAPANGA  
AOTEAROA

## Exercises Day One: Foundation Skills

### 'Introduction' Exercise Instructions:

My full name is:

On this course you can call me:

I come from:

My Inspector role is:

I have worked as an Inspector for:

The thing I like most about being an Inspector is:

The most challenging thing I have had to deal with as an Inspector is:

Two things I would like to get out of the course are:

My favourite food is:

OR

In my spare time I like to:

### 'Matching Game' Exercise Instructions

Each group will be given a packet in which they will find the names of 6 ILO Conventions. They will also find Articles (text) that match each Convention. Match 3 Articles with the name of each Convention.

When each group is finished and the answers are checked a group discussion will consider the following questions.

- What do these Conventions have in common?
- What is the relevance of the Conventions to the Practice of Labour and OSH Inspection?



## Exercises Day One: Foundation Skills

### 'Legislation' - Appointment, Powers, Duties & Functions: Exercise Instructions:

- Divide into three jurisdictions: Kiribati, Cooks Island and Tuvalu and get flip charts and marker pens and your copies of your own legislation you have brought with you.
- Those from Vanuatu, Tonga and Solomons can each join one of these groups.
- The idea of this exercise is to practice looking up and finding key parts of legislative documents.
- Using the help of the white board brainstorm each group is to find the relevant sections that relate to the:
  - Appointment of Inspectors (usually just a single section)
  - Functions of Inspectors (not always included in older legislation)
  - Powers of Inspectors (these may be across *many* different sections)
  - The Duties or Obligations of Inspectors (may also be across different sections and contained in Codes of Ethics)
- Use flip charts and marker pens to set out answers. Once these have been checked for accuracy transfer them into your **Folders**.



## Exercises Day One: Foundation Skills

### Legislation General: Exercise Instructions

Form three groups into jurisdictions of Kiribati, Cook Islands and Tuvalu. Others to join groups so there is an even number in each group.

Kiribati Group to use: Kiribati Occupational Health and Safety Act 2015 and Employment Ordinance 1966 and Employment Amendment Act 2008.

Cook Islands Group to use: Dangerous Goods Act 1984 and Employment Relations Act 2012

Tuvalu to use: Employment Ordinance 1966 or Kiribati Occupational Health and Safety Act 2015

Each group is to find as many sections as they can that would fit under each heading.

Record the group's answers on flip chart paper and these will be put up on the walls for everyone to see and check for accuracy.

Below there is a template with the headings. Inspectors can put their own legislation sections under these headings in their own time and when they have legislation enacted. This will become a quick check resource to use. It is also a good exercise for new inspectors to complete as they learn the role.

This idea can also be expanded to cover more detailed areas of compliance such as where to find relevant sections about compliance with hazardous substances. But CAUTION. Whenever creating a hard copy of legislation is it vital to keep this updated because legislation, regulations, codes and policy can regularly change.

	Section and name of Legislation, Regulation, Code or Policy
<b>Inspector Appointment</b>	
OSH	
Labour	
<b>Inspector Powers</b>	
Enter Workplaces	
Communicating with the employer on entry	
Gather evidence	



## Exercises Day One: Foundation Skills

### Applying the rules: Exercise Instructions

- Divide into two groups:

Group One & Group Two

- Spend 20 minutes preparing a simple instruction sheet (bullet points are fine) on flip chart paper for a **new inspector** to know what to do (or not do) in the following situations. Use the material we have covered and also your own experience. Choose how to present your instructions to the whole class.

#### Group one: Questions 1-5

1. You intend to make an unannounced visit to a workplace where there has been complaint that there are migrant workers who are being treated badly and are underpaid.
2. You arrive at a workplace and the employer is a close friend of your family who asks you to go easy on him because he is struggling to keep his business going.
3. An employer refuses to answer your questions.
4. You arrive at a workplace and you cannot find out who the employer is but you still want to stay and carry out a routine inspection and talk to workers.
5. Workers at the workplace refuse to answer your questions but after your visit two women workers come and see you at the Inspectorate Office and tell you about children under 16 in the workplace. However, they want you to promise them that their names will be kept anonymous.

#### Group Two: Questions 6-10

6. Workers at a quarry workplace run away when they see you arrive.
7. A brother of the employer hears you are at the workplace and arrives in the middle of your visit and stops the employer talking to you.
8. You visit the workplace and discover that the employer has not improved the safety and handling procedures for his corrosive chemicals after being issued with notice to do so.
9. A union representative sees you writing things down in your notebook and demands to see all of your notes and have an immediate copy.

You inspect a locally based fishing vessel. The Captain orders you off the boat.



## Exercises Day One: Foundation Skills

### Ethics: Exercise Instructions

- The facilitator will break you into three groups and each group will be allocated one of the following scenarios.
- Read through the scenario.
- Discuss as a group how you as an inspector would handle this situation and why.
- Agree on how to present your answers back to the whole group as if they were a group of new Inspectors being trained.
- You can use any method you like to present your answers. For example you can incorporate role play, humour or direct presentation.
- You can also change the scenario to fit a type of workplace in your jurisdiction.
- Flip charts and marker pens are available.
- You have 20 minutes to prepare the presentation.

#### Scenario 1: Palm Oil Business

You have been an Inspector for five years. You carry out a routine inspection on a family owned palm oil business that supplies the stores and supermarkets. You visited this workplace one year ago and at the time the family agreed to improve the wiring in the sheds which was not properly insulated and in part exposed to moisture from outside. You revisit and discover that none of these things have been done. The father of the family (who is never available to talk to you) is the controller of the business and you suspect that the sons (who you always deal with) may be afraid of him. The sons are willing to make the improvements but it is likely that they have not been provided with the finance to do so. They may not tell you that directly because they are embarrassed to appear afraid of their father. You feel sorry for the sons who seem to work hard and are trying to get a big contract with a large biscuit and cake making factory. They are worried this issue might leak out and jeopardise their chance of getting the contract. You are very concerned that there may be a fire or electrocution due to the wiring. It is looking much worse than last year and there are about 35 employees who work in the sheds. However the sons plead with you to give them more time to cooperate promising that they will make the changes this year when the money becomes available.

#### Scenario 2: Second hand clothing warehouse

You are female and 20 years old and have been a labour inspector for 1 year. You are visit a second hand clothes warehouse that imports bales of clothing from New Zealand and Australia and sells the clothes to the local community. There are 30 workers. The warehouse



## Exercises Day One: Foundation Skills

is divided into a clearing and sorting area on one side and a retail area on the other. When you and another Inspector arrive you are stopped outside by a friend of your father, Henry. Henry and your father are strong Union men. Henry had heard about the visit from some of the workers at the factory. Henry is very forthright in his manner and opinions and treats you like a little girl who knows nothing. He takes you aside and says that there are all of unhappy workers at the plant who are very afraid of the employer and are forced to sign documents that they know to be untrue. The workers, Henry says, are told to sign that they have worked for significantly less hours than they actually work. You can see out the corner of your eye the employer and your Inspector colleague (who have by now met at the entrance) looking at the two of you very seriously. Henry then hurries off calling back to you so that everyone can hear him say "I will call you tonight, to see how you got on at righting wrongs in this workplace! Don't let me or your father down!"

### Scenario 3: Fish processing factory

You have been an OSH Inspector for 3 years. One night your second cousin, Eugene comes to see you. Eugene owns and runs a fish processing factory. He seems to do very well financially. Eugene has two teenage sons and you are godfather to one of them. Both boys are attending an exclusive rugby academy in Auckland. You are proud of your godsons and you hope to see them play in the All Blacks one day. Eugene tells you he has been notified that he will be visited by two Inspectors. He tells you that there are a few problems with some workers not using cleaning products properly. He tells you he is heavily committed to his sons' education in Auckland and if anything affects his reputation his business will falter and he may have to bring the boys home. Eugene offers to pay you some money and asks you to either take him off the list for a visit or be one of the Inspectors to visit so that you can produce a favourable report. You know there have been complaints about the plant from workers who say they experience itchy eyes and skin from not having protective clothing and using unlabeled cleaning products. The workers say that Eugene pays them to keep quiet. You need money at the moment because your wife has been sick and not able to work for two months.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion.

As a result of the demographic changes, the number of children in the world who are under 15 years of age is expected to increase from 1.1 billion in 1990 to 1.5 billion in 2000.

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# Day Two

## Principles of Inspection


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# Types of Inspectorate Intervention



Notification of Complaint (Workplace Accident) - Investigate what happened?

Strategic Work Programme (New sectors, priority of countries, work and language) - Routine Inspection (Production, Social, House hold)

Find out whether there is compliance and who is responsible.

Gather facts (Interviews, Observations, Documents).

Analyse facts for evidence (Identify elements, a specific fact, Assessing the compliance and a responsibility).

Form a conclusion (Assess the situation, Identify the compliance possibilities).

Educate towards (Balance towards).

COMPLIANCE

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## Benefits of planning

- Purpose is clear
- Evidence is not overlooked
- Evidence is gathered before it can be destroyed
- Resourcing decisions can be made
- Timeliness estimated
- Risks are identified
- Coordination with other agencies can be planned
- Transparency for managers
- Timeliness
- Reliability
- Accuracy
- Integrity
- No surprises

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## The Six 'Ps'

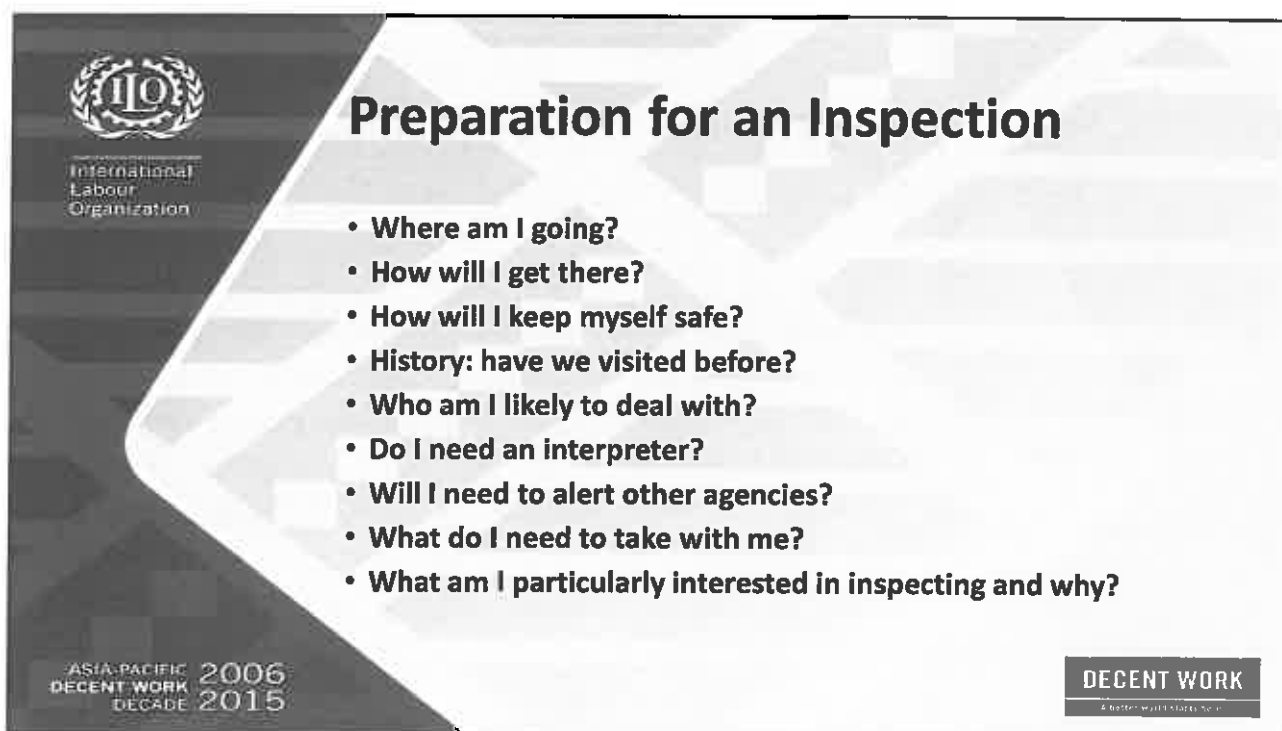
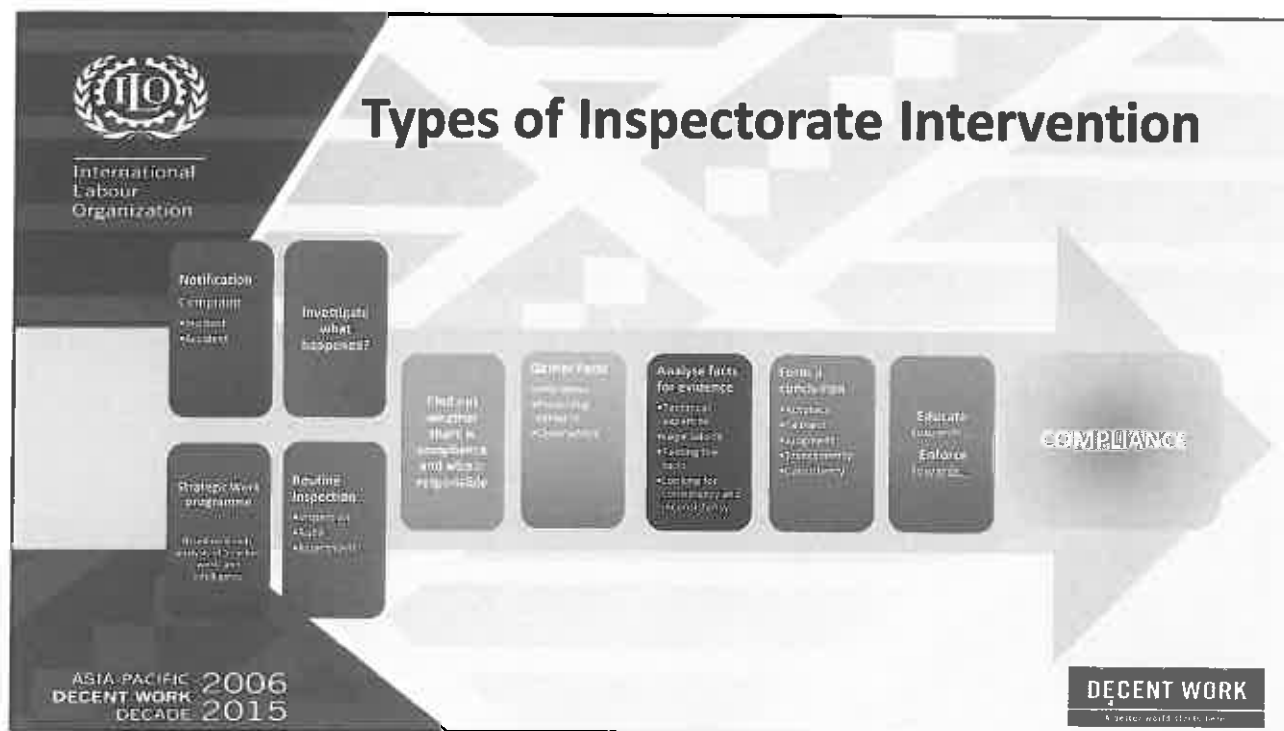
Perfect  
Pre-Planning  
Prevents  
Poor  
Performance !



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## Arriving for an Inspection

- Do I tell the employer I'm coming to inspect the workplace?
- How do I introduce myself when I get there?
- Who do I ask to speak to first?
- What happens if the person in charge is not there?
- If I am challenged about my presence what do I do?
- What other explanations do I give before I start the inspection?

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## Carrying out the Inspection

- How do I find out whether the workplace is compliant?
- What are the pros and cons of using a 'checklist'?
- What do I do if something is of significant concern but not within my jurisdiction?
- How do I assess how things might be operated or used if they are not being used when I am there?

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## Carrying out the Inspection

- **Mary is a Labour Inspector. She does not have OSH jurisdiction. Her role is to inspect employment standards at a sewing factory. She sees that two young children about 2 or 3 years old are sitting together under one of the workbenches. There is what looks like bedding for them under the workbench. They have bare feet and look hungry and lethargic.**
- **She observes that chords from the machines are running chaotically all over the floor or draped across people's work areas. There are puddles of water on the concrete floors.**
- **Should Mary just carry on with her employment standard's inspection and ignore what she sees? If no- what should she do?**

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## Conversing with the employer

**Rod is having a very busy day. He is now inspecting his second workplace. The employer is following him very closely around the workplace as he checks OSH requirements. The employer is continuously asking Rod what he thinks of his wonderful workplace. Rod has seen many things that are very unsafe.**

**Rod doesn't really want to upset the employer. Should he tell the employer about his concerns before leaving the workplace?**

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## An example

- Inspector Rod is inspecting a manufacturing plant. He is using a checklist and is moving through the factory with the manager. Rod sees a large piece of machinery in the corner which appears to be an adapted saw bench. He is concerned because the bench has no guards and looks very old. However the large circular blade looks like it has recently been sharpened.
- Rod observes that there are fresh shavings of wood and plastic on the floor around the bench and containers of wood and plastic product shapes lined up apparently ready for cutting.
- The main electric chord to the machine runs openly across the damp concrete floor and is plugged in with the switch pressed to 'on'.
- Rod has also observed two men working in the plant who have sizeable bandages on parts of their hands. When Rod looked at these men they seemed to try to quickly hide their injuries.
- Rod asks about the bench and the manager looks nervous. He says the bench has not been used for 10 years and they are going to remove it tomorrow.
- Should Rod accept this explanation on face value? If not what should he do?

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Video



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## “Come Home Safely” Isaac’s story

- What was the likely cause of the accident?
- What has the impact been on him and his brother?
- What is most important to him in terms of his recovery and why?
- There was safety equipment available but the wrong sort and Isaac used this. How do you educate and empower a workplace to prevent this happening?


- Discuss Isaac’s story and answer the questions.

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## Stepping into an Investigation

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## What are the three basic stages of any investigation?

- **Basic facts and evidence gathered**
- **Facts and evidence analysed**
- **Conclusions from this information**

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## Accident Investigation Fundamentals Notifications

- **You are notified about an accident or incident what are the FIVE things you need to know immediately?**
- **What happened?**
- **Who is involved?**
- **Location where the incident happened**
- **When did this happen? Date and time**
- **Are people being cared for? (Emergency services on the scene?)**

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**What has happened?**

A male worker has been crushed between a vessel and the wharf at the Port. He is seriously injured with suspected internal injuries.

His work mate has suffered minor injuries to his arms and back while pulling his seriously injured work mate from the water when the vessel moved away.

**Who is involved?**

One seriously injured worker  
The injured worker's work mate (minor injuries)


**Location:** Wharf C, Berth 2, The Port.

**Time of accident:** 11.30am. Thursday 30 July 2015


**Are people being cared for?**

The supervisor, Bart Kool of Kool Stevedoring saw what happened from his office and called emergency services. They are attending the worker now (as at 11.45am). The co-worker is being talked to and cared for by other work mates.

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**Discussion points**  
**Your experience with Notifications**

- What are the local issues with gaining this information accurately and promptly?
- How does it get recorded and stored?
- What might need to be developed or improved?

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## Confirm the grounds

- **Who Investigates?**
- **Why Investigate?**
- **Planning Investigations?**

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## Consider basic facts

- **Sequence of events**
- **Contributory factors**
- **Management**
- **Duty holders**

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## Scope the detail

- **Scope of Inquiry**
- **Powers of Inspectors “know your powers!”**
- **Visit to the Incident Scene**
- **Victims**
- **Recording: Notebooks, Sketches. Photos, Audio Visual**
- **Who to interview, how, when and where**

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## Accident Investigation Example

To get into the investigation you need more information

- **More detail on what happened**
- **More detail on who is involved? (Injured person, any witnesses, employer, employees)**
- **Why and how aspects will need to be explored for example...**

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Time of accident: 11.30am. Thursday 30<sup>th</sup> July 2015

**Are people being cared for?**

The supervisor, Bart Kool of Kool Stevedoring saw what happened from his office and called emergency services. They are attending the worker now (as at 11.45am.) The co-worker is being talked to and cared for by other work mates on the wharf.

Basic facts, sequence of events, contributory factors, management, duty holders

Names, roles, victims, family of victims, witnesses, employer entity, CONTACT DETAILS FOR ALL

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**Exercise:**

**Preparing an Investigation Kit**

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## Review, summarise and plan more

- What should be done and how and in what order?
- Who will do all of this?

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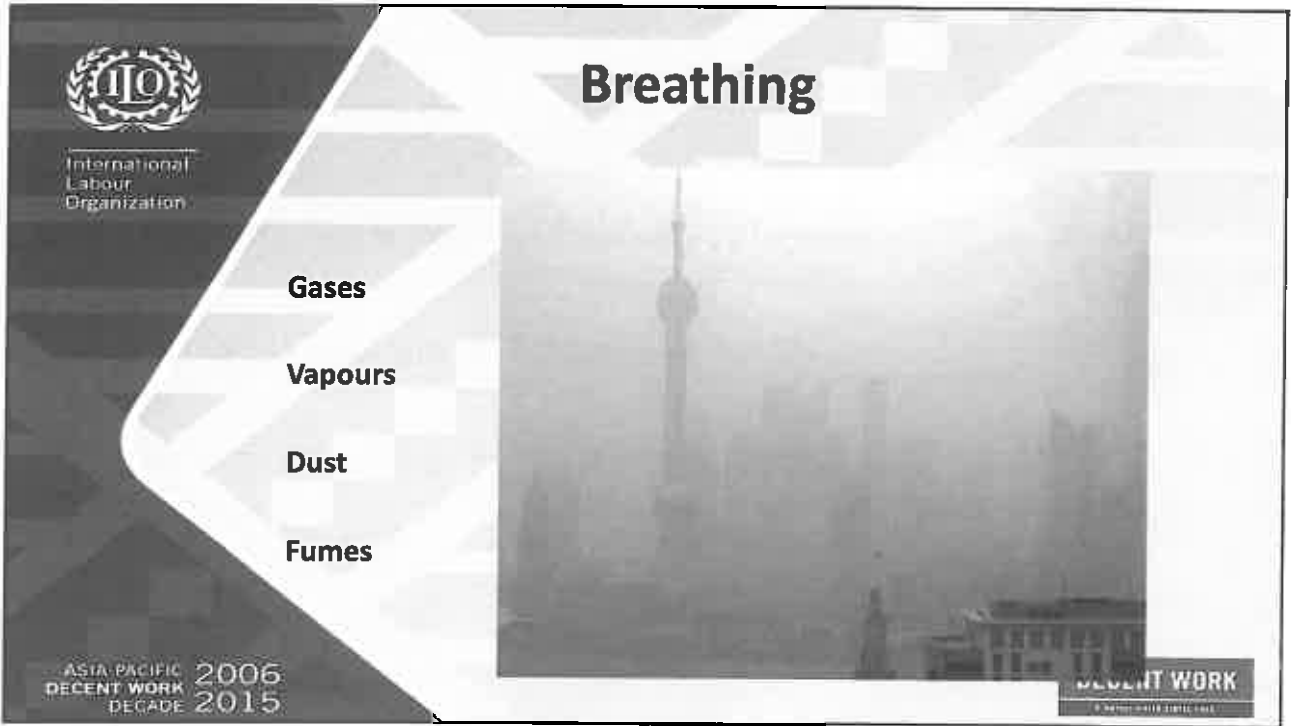
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## Fundamentals about Hazardous Substances

- Many substances used in workplaces cause injury or damage health.
- What are the three ways workers can be affected or exposed to hazardous substances in workplaces?

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**Breathing**

**Gases**

**Vapours**

**Dust**

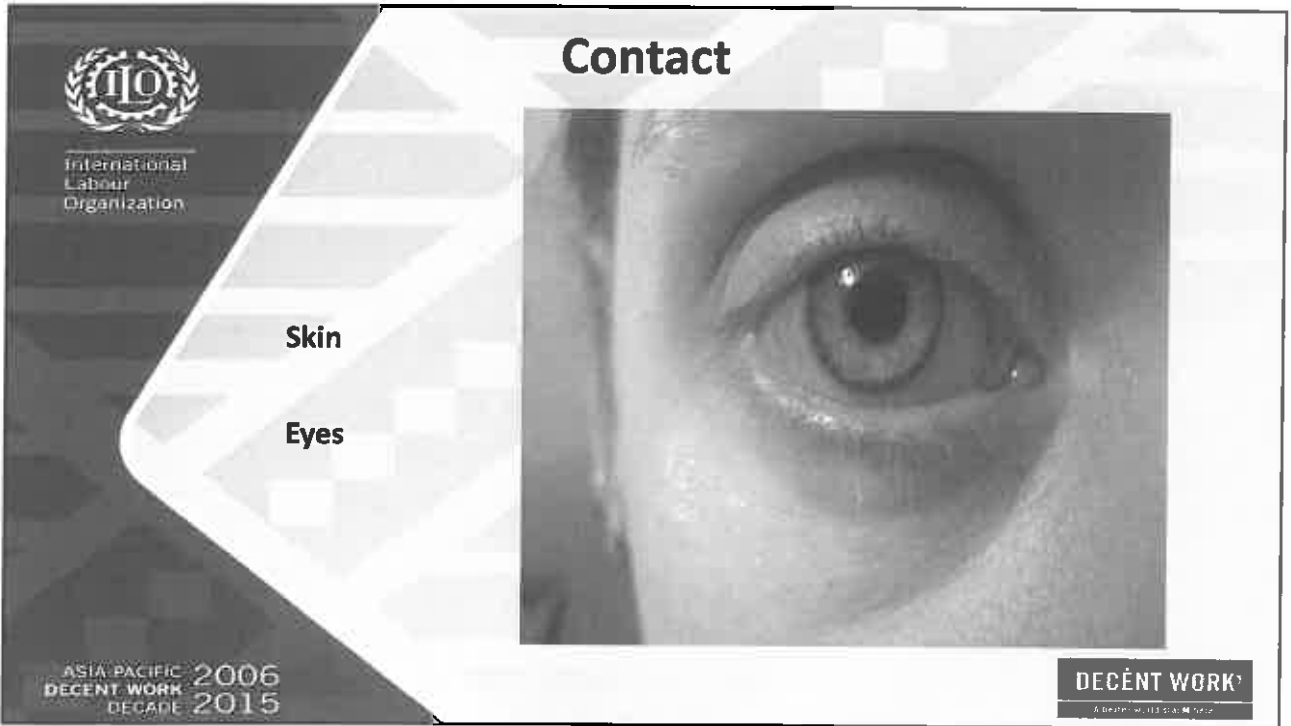
**Fumes**

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This slide features a dark background with a white geometric pattern on the left. The title 'Breathing' is centered at the top. Below it, a list of hazard types is presented. A large, semi-transparent image of a city skyline with a prominent tower is visible in the background. The ILO logo and 'International Labour Organization' text are in the top left. The 'ASIA-PACIFIC DECENT WORK DECADE 2006 2015' logo is in the bottom left, and the 'DECENT WORK A Decade of Progress' logo is in the bottom right.



**Contact**

**Skin**


**Eyes**

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This slide features a dark background with a white geometric pattern on the left. The title 'Contact' is centered at the top. Below it, a list of hazard types is presented. A large, semi-transparent image of a human eye is visible in the background. The ILO logo and 'International Labour Organization' text are in the top left. The 'ASIA-PACIFIC DECENT WORK DECADE 2006 2015' logo is in the bottom left, and the 'DECENT WORK A Decade of Progress' logo is in the bottom right.

  
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## Swallowing

Handling with bare hand  
and  
Not washing after  
handling  
and  
Eating, drinking touching  
face and preparing food.



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## Key points on Hazardous Substances


- Exposure must be prevented entirely or controlled to a low level
- This helps prevent serious illness, asthma, dermatitis, death by poisoning, disfiguration

"What you don't know can hurt you!!!!"

### Video- Hazardous Substances-Safety Essentials

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## Globally Harmonised System (GHS)


### Goals

- Enhance the protection of human health and the environment by providing an internationally comprehensible system for hazard classification and communications
- Reduce the need for national testing and evaluation of chemicals
- Provide a recognised chemicals management framework for those countries without an existing system
- Facilitate international trade in chemicals for which hazards have been assessed and identified on an internationally accepted basis.

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## Day 2 in Review


- Types of Inspectorate interventions- reactive and proactive
- Educating, empowering and enforcing
- The benefits of preparation- the 6 'Ps'
- Preparing for investigations and visits
- Accident Investigations
- Hazardous substances- GHS and SDS

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## Day 2 in Review

- **Types of Inspectorate interventions- reactive and proactive**
- **Educating, empowering and enforcing**
- **The benefits of preparation- the 6 'Ps'**
- **Preparing for investigations and visits**
- **Accident Investigations'**
- **Hazardous Substances GHS & SDS**

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## Day 3 Ahead

- **Review of homework reading**
- **Interviewing skills and practice**
- **Addressing conflict behaviours**
- **Recording**

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## Day Two Exercises: Foundation Skills

<b>Labour Standards Investigation</b>	
You receive the following complaint:	
<b>What has allegedly happened?</b>	<p>Three women workers from the resort complain that</p> <ul style="list-style-type: none"> <li>• They have not received minimum wage rate for the hours they have worked during the last six weeks.</li> <li>• They say there are about 30 staff in the same position at the resort.</li> <li>• Some are members of the Union but they are too scared to tell the Union because they think they will get the sack.</li> <li>• They say that there are also five migrants working at the resort cleaning. The migrant workers sleep and eat in a single old shed behind the manager's house and look tired and very sick.</li> <li>• The cleaners are not doing a good job and this might mean the resort business will not prosper and it will close and they will all lose their jobs.</li> <li>• Everything went bad when the new owner Karl Flute took over 18 months ago. He is very aggressive and yells at people.</li> <li>• The women want to remain anonymous because they believe Karl will sack them if he knows they have complained.</li> </ul>
<b>Is there an employment relationship?</b>	<ul style="list-style-type: none"> <li>• To be confirmed with the employer but looks very likely.</li> <li>• The women show their letters of offer from the resort saying they are employees.</li> </ul>
<b>Who is involved?</b>	<ul style="list-style-type: none"> <li>• The three women complainants: Mary Flower, Sarah Alloy, Elizabeth Sink.</li> <li>• Potentially all the workers at the resort including five migrant workers.</li> <li>• Karl Flute as the employer</li> </ul>
<b>Workplace location?</b>	<ul style="list-style-type: none"> <li>• Laid Back Paradise Inn, 65 Beach Road, Big Island.</li> </ul>
<b>When did this start?</b>	<ul style="list-style-type: none"> <li>• Allegedly since Karl Flute took over about 18 months ago.</li> </ul>
<b>Are there immediate OSH concerns?</b>	<ul style="list-style-type: none"> <li>• Potentially the allegations that migrant workers are living in sub-standard conditions raises issues of immediate and ongoing harm to some workers.</li> </ul>



## Day Two Exercises: Foundation Skills

<b>Are there other issues?</b>	<ul style="list-style-type: none"> <li>Potentially the allegations about the migrant workers indicate that they may not be working as per the conditions of their permits.</li> </ul>
<p><b>10 minutes</b> to make a list on your own of what would be in your pre-prepared investigation kit and then</p> <p><b>10 minutes</b> in a group and come to an agreement about a single list. Nominate someone to present the list to the whole group for discussion and comparison.</p>	

<h3>Workplace Accident Investigation</h3> <p>You receive the following notification at 11.50am Thursday 13 October 2016 that a worker has been seriously injured at the Port when he was crushed between the wharf and a docking vessel while assisting with ropes.</p>	
<b>What has happened?</b>	<p>A male worker has been crushed between a vessel and the wharf at the Port. He is seriously injured with suspected internal injuries.</p> <p>His work mate has suffered minor injuries to his arms and back while pulling his seriously injured work mate from the water when the vessel moved away.</p>
<b>Who is involved?</b>	<ul style="list-style-type: none"> <li>The injured worker</li> <li>His work mate</li> </ul>
<b>Location where the incident happened?</b>	Wharf C, Berth 2, The Port.
<b>When did this happen?</b>	11.30am. Thursday 13 <sup>th</sup> October 2016
<b>Are people being cared for?</b>	The supervisor, Bart Kool of Kool Stevedoring saw what happened from his office and called emergency services. They are attending the worker now (as at 11.45am.) The co-worker is being talked to and cared for by other work mates on the wharf.
You are asked to attend the scene.	



## Day Two Exercises: Foundation Skills

**10 minutes** to read the scenario for your group and start a 'list' using the headings that have been used in the investigation session.

**10 minutes** into your appropriate group and come to an agreement about a single list. Nominate someone to present the list to the whole class for discussion and comparison.

### Safety Data Sheet Exercise

#### Scenario 1: Diesel

- Bill's Pork Snacks factory operates in an area where the electricity supply is unreliable.
- He runs a standby diesel powered generator which has a 500 litre steel supply tank, when the power fails.
- The supply tank is refilled from 200 litre fuel drums, from time to time. Six full fuel drums are stored on wooden pallets at the back of the generator shed.

**Answer the following questions, with information from the SDS:**

What GHS Hazard Statements apply to diesel? (Section 2)	
What should be done in case of skin contact? (Section 4)	
What is diesel incompatible with? (Section 10)	



## Day Two Exercises: Foundation Skills

What may happen if diesel gets in the eye? (Section 11)	
---	--

### Scenario 2: Poolstar Hichlor

- The High-Top Luxury Hotel has a large swimming pool for the use of guests.
- The pool is kept very clean and tidy by the building and plant staff, who use a variety of pool chemicals to keep the water sparkling and safe.
- In the secured storage area, three 20 kg containers of Poolstar Hichlor are kept on a raised shelf.

Answer the following questions, with information from the SDS:

What is the correct chemical name for Poolstar Hichlor? (Section 3)	
What should be done in case of eye contact? (Section 4)	
What is the storage advice? (Section 7)	



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What is the warning under the Stability and Reactivity heading? (Section 10)	

### Scenario 3: 'Envirocid Plus'

- The Coco Cream Company are very proud of their high quality coconut products, exported all around the South Pacific region.
- In order to keep all the stainless steel vats, pipes and pumps fully sanitised they need to use a powerful cleaning product called Envirocid Plus.
- Two 25 litre containers are kept under lock and key, in a cabinet with good signage.

Answer the following questions, with information from the SDS:

What are the two chemicals in this product? (Section 3)	
What are the precautions for safe handling? (Section 7)	



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## Day Two Exercises: Foundation Skills

What are incompatible materials for Envirocid Plus? (Section 10)	
What happens on skin contact? (Section 11)	

### Scenario 4: Accidental Mixing

Answer the following questions, with information from the SDS:

What would happen if Poolstar Hichlor is spilt, and accidentally mixes with:	
Diesel?	





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## Day Two Exercises: Foundation Skills

Enviroid Plus?	
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# Day Three

## Practical Inspection

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## Two types of interviews

- Finding facts (Formal or informal)
- Confirming facts and evidence (Formal)

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## Four things guide all interviews

- Asking the right questions
- Keeping things on track
- Getting the best information and evidence
- Managing the 'conversation'.

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## Why interview and what is P.E.A.C.E?

- P** Plan and prepare
- E** Engage and explain
- A** Account: "Free recall" / "Conversation management"
- C** Closure
- E** Evaluation

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## Video Good and bad interviews



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## More questions TEDS & Probes

**T** Tell me...

**E** Explain to me ...

**D** Describe to me ...


**S** Show me ...

**Probe** How When Where What How

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## Video Open and closed questions




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# P.E.A.C.E


- P** Plan and prepare- background, setting, topics, evidence
- E** Engage and explain- ID, purpose, rapport, professional
- A** Account: "Free recall" / "Conversation management"
- C** Closure: Rapport to end, clear next steps
- E** Evaluation:

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## Account - Getting the real story in place

<b>Free Recall</b>	<b>Conversation Management AFTER free recall</b>
<ul style="list-style-type: none"><li>• Cooperative interviewee</li><li>• Gathering the facts</li><li>• Use open questions, TEDS and probes</li><li>• Go into each topic and "clear out the room"</li></ul>	<ul style="list-style-type: none"><li>• Uncooperative interviewee</li><li>• There is evidence to 'put' to the interviewee</li><li>• You know the answer to questions you ask</li><li>• Use some open questions, TEDS and probes BUT</li><li>• Use strategic closed questions</li></ul>

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## Video Conversation Management



**Addressing Conflict Behaviour**

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**Keep yourself safe**

**Get others to help**

**Don't respond with anger**

**Distance yourself from the anger**

**Predicting hot spots**

**Walk in the other person's sandals**

**Find out why the person is angry**

**Reflect back to show that you understand the cause of their anger**

**Avoid judging the person's behaviour**

**Demonstrate an interest in resolving the situation**

**Apologising BUT Take care when apologising for your employer or blaming your employer**

**Being a good role model and coach**


  
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# Walk in the other persons' jandals




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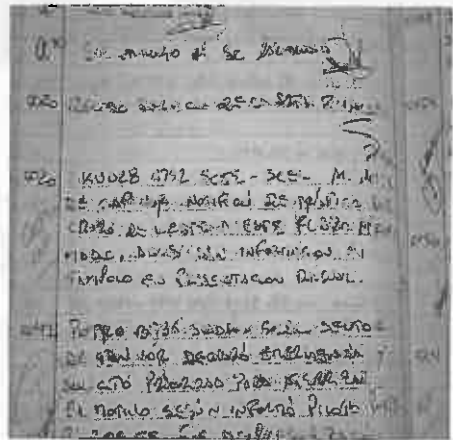
  
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# Recording your work

**Not like this...**



**More like this ...**



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## Brainstorm

**Why is it important to the Inspectorate to record what they do and protect information they gather?**

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## Answer

- **Be consistent in approach**
- **Take action that matches the harm**
- **To be accountable to the public**
- **To act fairly**

**CONSISTENCY**  
**PROPORTIONATE ACTION**  
**ACCOUNTABILITY**  
**FAIRNESS**

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## File Management and protecting Information

Written information and documents	<ul style="list-style-type: none"> <li>• Complaints about alleged breaches, accident notifications, records, contracts and any other information submitted by employees, employers or others.</li> <li>• Inspector notes and notebooks, inspection checklists, written records of interviews, discussions, phone calls and observations.</li> <li>• Test results, draft reports and final reports.</li> <li>• Government documents such as internal memos, directives and policy documents.</li> </ul>
Audio visual information	Photos of accident sites, equipment and workplaces, electronic recordings of interviews

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## Gathering information

- **Relevant information**
- **Official Information**
- **Sensitive Information**

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## Protecting information

- **Storage**
- **Visibility to unauthorised people**
- **Protection in the field or at home**
- **Disclosure**
- **Tracking systems**
- **Chain of custody**

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## Summary

- **Inspectors must only gather information that is relevant and official.**
- **Inspectors must understand and manage sensitive information.**
- **Information must not be disclosed unless it is for the purpose of Inspectorate duties.**
- **Protection and storage of all inspectorate information is very important.**
- **Information may for a good reason be shared with other agencies.**

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## 7 principles for recording

- Completeness
- Conciseness
- Accuracy
- Appropriateness
- Relevance
- Timely – recorded at the time or soon after
- Collaboration

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## Notebook rules- No ELBOWS!

- No E rasures (rubbing out)
- No L eaves (pages) torn out
- No B lank pages or lines
- No O verwriting (or scribbling words out)
- No W riting between the lines
- S tatements to be written in direct speech


ALSO ...

- No 'non work related' entries –shopping, doodling etc.
- Don't use different coloured pens

### EXERCISE: TONY'S PIE FACTORY

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## Summary

- **Notebooks are a standard international tool for Inspectors.**
- **Notebooks keep an ongoing record and can be a good record to rely on later if they are used according to the notebook rules.**
- **Notebooks remain the property of the Inspectorate and are not for personal use.**

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## Day 3 in Review

**Interviewing - open questions to get a free recall of information**

**Interviewing - closed questions to confirm and lock in evidence**

**'Conversations with a purpose' that have been PREPARED**

**Managing challenging behaviour and identified strategies**

**Everything you ever wanted to know about notebooks including accuracy, contemporaneous recording and the reasons for this**

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**Day 4 Ahead**

- Mark Assessment returned**
- Preparation for practical visit exercise**
- Practice mock visit exercise**

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## Day Three Exercises: Foundation Skills

### Conflict Scenarios: Exercises Instructions

#### **Scenario 1: Aggressive Employer**

As an Inspector you arrive at a restaurant.

You have notified the business that you are coming to complete a routine inspection.

You received a phone call in reply from the owner's son agreeing to a time for the visit.

When you get there the son is 'away in town' and the employer comes out of his office and starts waving his arms and yelling at you. "I don't want you inspectors here! I told my son to ring you back and he would not. You are wasting my time! I run a good business and am trying to be successful like what the Prime Minister said when he visited my workplace last year. He praised me and wants me to continue what I am doing. Look, here is a photo of us both together. I will complaint to his office that you are making trouble for me!"

**Group question:** How will you as the Inspector deal with the employer so that you can get a routine check completed?

#### **Scenario 2: Angry union workers**

You as an Inspector arrive at a workplace in town in response to an accident notification. The workplace is on the top floor of a building. It has been difficult locating the workplace because the building is shared by so many businesses. You are annoyed that you did not have accurate directions and feel very frustrated. It is a very hot rainy day.

You enter the workplace which is a sewing room with about 30 machines. A woman is on the floor and appears to be unconscious, emergency services are attending to her and two other women seem to be near her comforting her. Other women are standing around crying or shouting at two men. The men are shouting back. You are approached by a third angry man who says he is from the union and that you must send the other two men, the owners of the business, to prison. He tells you, "This workplace is very dangerous and this woman is nearly dead from an electric shock!" He also says "You people from the Inspectorate should have done something before this. You must act immediately or I will report you to the media and have you loose your job!" Several of the women now focus on you and also start yelling at you all at once.

**Group question:** How can you as the Inspector ensure that everyone present cooperates effectively with your accident investigation?

#### **Scenario 3: Grieving family members**

You as an Inspector are making a follow up visit to the Port after a fatal accident occurred the previous week. You need to interview some more workers and also talk to the management.

When you arrive you are confronted by two members of the deceased man's family demanding you tell them what you are doing. Both men are very drunk and one has a machete. You observe that there are other workers and people who look like managers of the Port standing a short distance away. They all look afraid.

**Group question:** What steps will you take as the Inspector to ensure your safety and that of others in the workplace so that you can continue your investigation process?









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# Day Four

## Practical Inspection

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## Finaunga's Story



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# Inspector Reports

- Consistency
- Transparency
- Accuracy
- Impartiality

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# Seven questions for reports


1. Why do I need this report?
2. Who is my audience?
3. What is (are) the question(s) my report has to answer?
4. What are the relevant facts?
5. What is the relevant law and policy?
6. What is my conclusion?
7. Have I met the principles of being a labour inspector?

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## Think like the other person...

*"You never really know a man until  
you understand things from his point of view,  
until you climb into his skin  
and walk around in it."*

Harper Lee, *To Kill a Mockingbird*, 1960

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## Simple and Direct Language

**If a fire starts when a worker is on duty, the worker should press the alarm button to alert other people to cause them to exit the building. (28 words)**

**If a fire starts when a worker is on duty, the worker should press the alarm button and leave the building. (21 words)**

**If a fire starts, press the alarm and exit the building! (11 words).**

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## Report Templates

- Occupational Safety and Health Inspection Report
- Labour Standards Inspection Report
- Occupational Safety and Health Investigation Report
- Labour Standards Investigation Report

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## Day 5 Ahead

- Virtual Reality Project
- Strategic planning discussion
- Ongoing development for Inspectors
- Action Planning (ILO)
- Review “park up’ board and expectations
- Course Evaluation
- Close and farewell

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## Handouts Day Four

### Introducing an example OSH report- “South Wools Limited”

*Can be used for notifications of ‘near misses’ or hazards.*

<b>Investigation OSH</b>		<b>Internal ID number:</b>
<b>Notification</b>	<p>Mr Peter Walker, the owner of two industrial units at 54 Waitaki Road, Christchurch, contacted WorkSafe on Tuesday, 16 March 2004. A tenant, Mr William Smith, had advised him that process water from the adjacent industrial premise was leaking into the unit, which Mr Smith rented.</p> <p>The process water came from South Wools Ltd and was leaking through the concrete wall, at floor level. The process water had a chemical odour to it, and was creating a large puddle on the floor of Mr Smith’s workshop.</p> <p><i>If a notification is received in writing, email or fax attach to the report.</i></p>	
	<b>Employer’s name, workplace and contacts</b>	<p>South Wools Limited</p> <p>58 Waitaki Road</p> <p>Christchurch</p> <p>Contact person: Mr. Sam Wool, Managing Director of South Wools Limited</p> <p>Contact details: Phone number 123 456 78</p> <p><a href="mailto:Sam.SouthWools@xtra.co.nz">Sam.SouthWools@xtra.co.nz</a></p> <p><i>Ensure that the correct legal entity is identified for the employer and that this section contains the workplace, the person legally responsible and their contacts details.</i></p>
<b>Investigation narrative</b>	<p><i>The investigation narrative follows through from the steps taken after notification through to actions taken to rectify harms. It follows a simple chronological time sequence and includes validating the notification, identifying the cause, identifying who was responsible and getting those responsible to address the problem either informally or in this case by use of formal enforcement tools. It also covers the general check of the workplace and then addresses any other hazards found in a similar narrative.</i></p> <p><i>Immediate steps after notification and verifying the notification facts.</i></p>	



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*Photos are a best practice way of recording facts and evidence.*

*Tests of air or noise also produces results and should be attached to a report like this.*

*Reference the attachment in the narrative as in this*

I telephoned Mr Smith and advised that I would make a visit that afternoon. After I took a photo of the puddle and confirmed a chemical odour, I made a visit to South Wools Limited, next door. Please see **photo 1 attached**.

*Identity of potential person responsible.*

I spoke with Mr John Baker, an employee of South Wools Limited, and he advised that the owner, Mr Paul Todd, had left for the day.

*Further verifying the notification facts and identifying the cause*

Mr Baker acknowledged that process water was leaking into the next-door premise, and showed me a drainage channel, which was immediately adjacent to the concrete wall separating the two premises.

Water from two process vats drains into this channel, which leads to a drain sump. It appeared that the drainage channel had been poorly constructed, with water seeping through under the wall of the channel. Sealant had been applied to remedy this problem, but the sealant had lost adhesion, and was allowing water through.

*Identifying informal step to be taken to eliminate the hazard*

Mr Baker advised that Mr Todd was planning to dry the channel out over the weekend, and repair it by lining it with butyl rubber sheeting.

*General workplace check finds facts about another hazard.*

*Identifying the hazard, risks and cause. Involving the person responsible. Taking steps to remedy through a formal enforcement tool of an infringement notice.*

While walking about the interior of the factory, I noticed that transmission machinery on the hopper/squeeze press/wool dryer plant was easily within reach of any person nearby.

I looked more closely and identified an unguarded belt-drive transmission, three large unguarded chain-drive transmissions, and a large unguarded gear wheel transmission. Please see **photos 2 & 3 attached**.

I advised Mr Baker that this machinery could no longer operate



## Handouts Day Four

	<p>in this condition and that all the dangerous transmission machinery would have to be fully enclosed or fenced off.</p> <p>Mr Baker called Mr Todd on his cell phone and advised him of the situation. On Mr Todd's arrival, I explained the dangers of the trapping points and that the machinery required fencing or guarding, to prevent access to the dangerous parts.</p> <p>I issued a Prohibition Notice under section x and took a photo of the notice attached to the equipment. Please see <b>photo 4 attached</b>. I advised I would return in the morning with another HSE Act Inspector (Ronald Freeman), to provide more advice on how to comply with the Notice.</p> <p><i>Here above is the education part of the inspection reported.</i></p> <p>The prohibition on operating the hopper/squeeze press/wool dryer plant had the effect of stopping the operation of the factory, and hence the leaking water problem.</p> <p>I spoke to Mr Smith again, and advised that because the process was stopped, there should be no further problem with process water leaking through to his workshop, for the time being.</p> <p>Ronald Freeman advised me on 18 March 2004, that he had lifted the Prohibition Notice; following secure fencing and interlocking of an access gate. I telephoned Mr Smith on 25 March 2004, and he confirmed that the machinery had been running for several days, and there had been no further problem with process water leaking into his premises.</p> <p>Subsequently, I telephoned Mr Todd, and he confirmed that the work to line the drainage channel had been completed.</p> <p><i>Finishing off the narrative by recording the completion of the work by the inspectorate.</i></p>
<p><b>Findings under the Health and Safety in Employment Act 1992 (HSE Act)</b></p>	<ol style="list-style-type: none"> <li>1. In relation to the process water leaking into Mr Smith's workshop, it would appear that South Wools breached section 16 of the HSE Act. The water created a slipping hazard for Mr Smith, contained an un-identified chemical substance, and limited the use of extension cords in the workshop. Whilst no person was harmed in this instance, the practicable steps not taken by South Wools</li> </ol>



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	<p>Limited were to ensure that process water did not leak into Mr Smith's workshop. This matter was remedied within a few days of the complaint to WorkSafe.</p> <p>2. In relation to the hopper/squeeze press/wool dryer plant, examination of the accompanying photographs indicates a number of clear breaches of section 6 of the HSE Act, dealt with by way of the Prohibition Notice. This Notice was complied with, two days after it was issued.</p> <p><i>This is where you apply the facts to the law under each issue. Here the two issues relate to the water leaking that has been notified and then the dangerous machinery that was identified as a hazard when the Inspector visited the workplace causing the leaking. Each is simply dealt with in its own paragraph. The leaking resolves informally. The dangerous machinery by a prohibition notice that was quickly complied with.</i></p>
<p><b>Steps taken or Recommendation for approval</b></p>	<p>That there should be no further action, apart from letters to Mr Smith and South Wools Ltd, advising the findings of this report.</p> <p>The reason for no further action is that South Wools rapidly attended to the dangerous transmission machinery, and also dealt with the leaking process water problem within a few days.</p> <p><i>In this matter the employer cooperated, took responsibility and then corrected failings very quickly. This section would be used to recommend revisit or educative measures for the employer or for a wider group. The compiling of a hazard alert would be reported here.</i></p>
<p>Rodericko Dickson</p> <p>Health and Safety Inspector</p> <p>31 April 2009</p> <p><i>If you write a report as an inspector ALWAYS insert your name, warrant title and date.</i></p>	



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## Handouts Day Four

**Photo 1 – Pool of Water on Floor**



**Photo 2 - Unguarded Belt Drive Transmission**





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NEW ZEALAND

## Handouts Day Four



**Photo 3 - Unguarded Chain & Sprocket Transmission**





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**Photo 4 – Prohibition Notice**



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## Day Four Exercises: Foundation Skills

### Report Writing: Exercise Instructions

#### Writing a Report: Exercise Instruction:

You have 40 minutes to write a report based on a visit you have recently completed back in your jurisdiction.

The workbook has blank templates but you may find it easier to just use the heading on blank paper.

The aim is for you to practice the style we have taught today using the template headings. You should also refer to the Handout Chapter on Reporting just given to you.

At the end of 40 minutes you should turn to your neighbour and share your work for 10 minutes even if you have not quite finished.

The facilitators will move around helping you to choose the right template and anything else you need help with. At the end of the session there will be more time to ask questions and comment on how you have found the templates and the style of report writing.



## Day Four Exercises: Foundation Skills

### Exercise Instructions: Mock Workplace 'Visits'

#### **Workplace 1 - Routine Inspection visit that includes the following:**

- An obviously very dangerous piece of machinery or equipment that the employer tries to tell the inspector is no longer used
- An interview with the employer that 'manages the conversation' when the employer is inconsistent with responses
- The employer tries to give the Inspector money or gifts to try and get the Inspector to not notice the problem with the dangerous machine
- The employer is issued an improvement notice.

#### **Workplace 2 - Investigation into a fatal accident that includes the following:**

- The Inspector arriving first at the accident scene and being confronted by angry family members of the deceased worker
- Chemicals and broken glass lying around the body
- An interview with an injured co-worker of the deceased
- Steps to confirm authority to inspect, deal with emergency services and secure the accident scene.

#### **Workplace 3 - Routine Inspection visit that includes the following:**

- Unsafe use and storage of chemicals
- Interviewing an employee about use and storage of chemicals
- Dealing with an angry employer who arrives in the middle of the inspector interviewing the employee
- Explaining the use of the GHS, safety data sheets and issuing a hazard alert and explaining all of this to the employer

**Workplace 4 - A very poorly conducted (comedic) inspection that includes 20 things that are inconsistent with the things taught so far on the course. The whole course will be required to pick out these 20 things at the end of the performance.**



## Day Four Exercises: Foundation Skills

Make sure you think about how you should deal with any likely 'personal' challenges and if it helps your confidence have some 'words' to use that might help.

You will find the materials from *all* previous sessions useful. The facilitators will be actively helping with your preparation to make sure you cover off all the things you need to prepare.

The following headings are provided to guide your planning but do not feel restricted by them. Some headings may not be relevant to your scenario and you may have other things you want to note or prepare.

Finding the workplace.....

Logistics of getting to and from the visit.....

Intel about the employer.....

Introduction and procedures.....

Exercise of Powers.....

Technical knowledge.....

Opportunity for education.....

Potential ethical challenges.....

Likely aggressive behaviour.....

Dealing with victims.....

Dealing with emergency services.....

Dealing with the Union.....

Dealing with fearful employees.....

Administrative materials.....

Stationery materials.....

Technical materials and equipment.....

Legislative, regulatory, code of practice, SDS materials.....

Personal health and safety equipment, clothing and procedures.....



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## Day Four Exercises: Foundation Skills

Potential contacts while at the workplace.....

Interviews- who to interview and how and where and for what reason.....

If I find non-compliance what educative materials and approaches can I use to convince the employer to enter into a pathway to compliance? .....

Closure and estimated time for visit.....

Other issues.....



## Day Four Exercises: Foundation Skills

### Heading prompts to guide observation notes about Inspectors in role played visits

Use the following heading to guide your observations and use CRC feedback.

Introductions at the visit .....

Use of powers .....

Procedure .....

Legislation, regulation accuracy .....

Management of people and situations in the workplace .....

Management of ethical dilemmas in the workplace .....

Hazards identified .....

Breaches or offences identified .....

Possible alerts for other jurisdictions .....

How persuasive were the educative messages .....

### Interviewing

Were open questions used to obtain facts? Did the interviewee get to vent their story? Did the Inspector follow relevant topics and clarify what the interviewee said?

Did the inspector have to use conversation management for an un-cooperative person?

Team work .....

Closing the visit .....


Other .....











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# Day Five

## Virtual Reality Developing Practice Closure

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# Strategic regulation Ayers and Braithwaite 1992




Deliberately non-compliant  
Maximum sanction

Accidentally non-compliant  
Lesser sanction

Compliant  
No sanction

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	<b>Reactive Inspection</b>	<b>Serious</b>	<b>Not Serious</b>
<b>High Inspector time</b>		<b>Many Complaints</b>	<b>Many Complaints</b>
<b>Low Inspector time</b>		<b>No complaints</b>	<b>No complaints</b>

Adapted from table by David Weil, Boston University



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**Proactive Strategic Model**

	<b>Serious High Inspector time</b>	<b>Not Serious Low Inspector time</b>
<b>Many Complaints</b>	<p>Prioritised + creative solutions</p>	<p>Information provision + self audits</p>
<b>No complaints</b>	<p>Intel lead interagency inspections and actions</p>	<b>No complaints</b>



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## Four Questions...

What would a local quadrant look like?


- Where are the no-complaints serious-issues in PNG?
- OR how can you find out?
- How do you engage with the employers and workers at the top of the triangle?

5.4

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## Thank You

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