

Community Law Waikato

Te Tari Ture aa-Hapori o Waikato

Part of the National Community Law Movement



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HEALTH AND SAFETY POLICY

CLW Policy apply to all employees, volunteers (including governance), and where applicable other individuals for example visitors or contractors performing work.

Best efforts are made to cover all scenarios. Please approach Management if you wish to discuss / make suggested amendments.

A breach or breaches of CLW policy may be deemed as misconduct and disciplinary action may follow.

Review / Amendment	Date approved / implemented
Reviewed Oct 2023 – updates around incident reporting & risks	
Reviewed July 2021 – updates around CCCR parts	31 July 2021
Reviewed May 2024 – Full Review and Update – see Review Temp	

1. Table of Contents

2. PURPOSE & SCOPE	4
3. HEALTH AND SAFETY AT WORK ACT 2015	4
4. KEY DEFINITIONS	5
PCBU	5
WORKERS	5
OFFICER	5
DUTY OF "DUE DILIGENCE"	5
"REASONABLY PRACTICABLE"	6
EMERGENCY WARDEN	6
HSWA REPRESENTATIVES & ENGAGEMENT	6
5. DUTY HOLDER RESPONSIBILITIES	7
PCBU	7
OFFICERS	7
WORKERS	8
6. ACCIDENTS AND INCIDENTS	9
IMMEDIATE ACTION	9
FIRST AID OFFICER / MEDICAL TREATMENT	9
REPORTING & NOTIFIABLE EVENTS	9
7. HAZARDS, RISKS & CONTROLS	10
HAZARD IDENTIFICATION AND REGISTER	10
GENERAL CONTROL – STOP, LOOK, THINK, DO	10
CHEMICAL & ELECTRICAL	11
FIRE & EARTHQUAKE	11
OUTREACH CLINICS & EXTERNAL GROUPS / EVENTS	11
TRAVEL AND USE OF COMPANY VEHICLE	11
SMOKING/VAPING	11
FATIGUE / STRESS / OOS	11
SELF-HARM	11
BOMB THREATS & SUSPICIOUS PACKAGES	11
INTRUDER / THREATS / VIOLENCE	12
BOMB THREATS & SUSPICIOUS PACKAGES	13
OLD / BROKEN ITEMS	13
TRIPS / CLIMBS / FALLS	13
TRAPPED IN ELEVATOR / LIFT	13

TEAROOM	13
HARASSMENT, DISCRIMINATION & BULLYING.....	13
<u>8. THREATS OF HARM (INCLUDING SELF-HARM).....</u>	14
<u>9. HARRASMENT, DISCRIMINATION, BULLYING & VIOLENCE</u>	15
DEFINITIONS & EXPECTATIONS.....	15
COMPLAINTS & INVESTIGATION.....	16
PROHIBITED BEHAVIOUR BY CLIENTS	17
MANDATORY REPORTING	17
SUPPORT SERVICES FOR CLW WORKERS	18
<u>10. WELLBEING & MENTAL HEALTH</u>	18
<u>11. REMOTE WORK / WORKING FROM HOME</u>	19
<u>12. EMERGENCY PROCESS / EVACUATION</u>	19
EMERGENCY WARDENS & INSTRUCTIONS	19
EMERGENCY ASSEMBLY POINT	20
GENERAL EVACUATION PROCEDURE	20
FIRE.....	20
EARTHQUAKE.....	21
INTRUDER / THREATS / VIOLENCE (REFER TO LOCKDOWN)	21
LOCKDOWN PROCESS (SEE CHART).....	22
BOMB THREATS	22
SUSPICIOUS PACKAGES.....	22
<u>13. DISASTER RECOVERY / BUSINESS CONTINUITY</u>	22

2. PURPOSE & SCOPE

- 2.1 Community Law Waikato (“CLW”) is committed to all reasonable and practicable steps to ensure the health and safety of all those performing work or services, or visiting our premises, or any other persons covered by law.
- 2.2 Health and Safety is everyone’s business, and everyone is expected help with our commitment.
- 2.3 The purpose of this policy is to:
- Explain key objectives and definitions of the Health and Safety at Work Act (“HSWA”)
 - Identify and outline legal responsibilities (specific to duty holders)
 - Outline practical procedure to support CLW’s responsibilities and commitment.
- 2.4 The policy covers all CLW trustees, CLW employees, CLW volunteers, contractors, trainees, and others present at the workplace or other place where work is being carried out. This includes activities or events where attendance is in connection with, or may be reasonably associated with, CLW. For example, professional development and social events.

3. HEALTH AND SAFETY AT WORK ACT 2015

- 3.1 The Health and Safety at Work Act 2015 (“HSWA”) seeks to ensure that workers and other persons be given the highest level of protection, as far as reasonably practicable, against harm (to their health, safety, and welfare) from hazards and risks arising from work.
- 3.2 The HSWA aims to provide for a balanced health and safety framework that protects individuals from harm, provides for workplace representation, encourages unions and employer organisations to take a constructive role in promoting improvements to workplace health and safety practices, promotes compliance and the provision of health and safety advice and education, ensures that the actions of persons exercising health and safety functions are subject to scrutiny and facilitates for continuous improvement and progressively higher standards of work health and safety.
- 3.3 The HSWA identifies duty holders and prescribes their duties.
- 3.4 Pursuant the HSWA, health and safety risks must be eliminated or minimised so far as is reasonably practicable in the circumstances.
- 3.5 Duty holders must develop robust policies, procedures that adequately identify risks and elimination or minimisation processes to manage those risks.

- 3.6 The HSWA requires duty holders to consider who creates the risk and then for them to control that risk. It also encourages organisations to concentrate on the greatest risks that could cause death or serious injury first and comprehensively.
- 3.7 The HSWA also introduces the concept of due diligence. This places a positive duty on those very senior individuals to be actively involved in health and safety matters relevant to the organisation or undertaking to ensure compliance with any duty or obligation.
- 3.8 The HSWA also requires duty holders to have practices in place that provide reasonable opportunities for workers to participate in improving health and safety on an on-going basis. Workplaces with less than 20 workers that are considered low risk are not required to (but still may) have participation systems.

4. KEY DEFINITIONS

PCBU

- 4.1 As above, HSWA introduces the concept of a “person conducting a business or undertaking” (“PCBU”).
- 4.2 Community Law Waikato Trust is the PCBU and has the primary duty of care, as far as reasonably practicable, to ensure the health and safety of all “workers” and anyone else who could be put at risk by CLW services including places of work.

Workers

- 4.3 “Workers” is broadly defined and includes an employee, volunteer, tradesperson, trainee, person gaining work experience, and anyone carrying out work influenced or directed by the PCBU.

Officer

- 4.4 The HSWA defines an “officer” in relation to a PCBU as a person occupying a position in relation to the business or organisation that allows the person to exercise significant influence over the management of the business such as directors or comparable positions. Accordingly, Community Law Waikato Trustees and Senior Managers are “officers”.

Duty of “Due Diligence”

- 4.5 An “officer” must exercise “due diligence” to ensure that the organisation complies with its health and safety responsibilities. This means that an officer of a PCBU must exercise the care, diligence, and skill that a reasonable officer would exercise in the same circumstances, taking into account (but without limitation) the nature of the business or organisation and the position of the officer and the nature of responsibilities undertaken by the officer. This duty is stipulated in more detail further below.

4.6 NOTE this duty is a personal duty (separate from the PCBU duties) which cannot be delegated, modified or transferred. A breach is a criminal offence.

“Reasonably Practicable”

4.7 An important term defined under the HSWA is “reasonably practicable”. *What can we do and what should we do...*It means that in relation to health and safety, PCBUs must ensure they do everything they are reasonably able to do, taking into account and weighing up all relevant matters including:

- the likelihood of the hazard or risk occurring
- the likely degree of harm involved
- what the person concerned knows, or reasonably ought to know, about the hazard or risk and ways of eliminating or minimising it
- the availability or suitability of ways of eliminating the hazard or risk, and
- after assessing the extent of the risk and the available ways to eliminate or minimise the risk, the cost associated with those ways including whether the cost is grossly disproportionate to the risk

Emergency Warden

4.8 During office hours all incidents / accidents / emergencies will be reported to Management who are designated ‘Emergency Wardens’.

4.9 In the absence of a designated ‘Emergency Warden’, a worker must contact the said person immediately. And if that fails or is not practicable, take whatever reasonable steps necessary to implement standard procedures including contacting emergency services such as Police and or Fire.

HSWA Representatives & Engagement

4.10 The HSWA imposes an obligation to elect a health and safety representative(s) or committee. This obligation does NOT extend where work is carried out by fewer than 20 workers. Although volunteers are defined as “workers”, they are not included in the count for this specific requirement.

4.11 CLW elects to NOT appoint a health and safety representative or committee.

4.12 CLW will ensure worker engagement (including volunteer workers). Workers are encouraged to raise any views, feedback and or concerns with management at any time. This may be by way of suggested updates to the Hazard Register, feedback in team meetings and or training / update notices or at any other time.

5. DUTY HOLDER RESPONSIBILITIES

PCBU

5.1 The CLW Trust Board has the primary duty of care to ensure health and safety as far as reasonably practicable. This includes providing:

- A safe work environment (including systems, structures, services, ventilation, water, facilities) for all workers and others entering the workplace / receiving services; and
- Adequate facilities for the welfare of workers; and
- Information, training and supervision to protect people from risks; and
- Opportunities for worker engagement; and
- Monitoring / evaluation of health and safety (including work conditions).

5.2 The PCBU must exercise due diligence to ensure that the organisation meets health and safety obligations. Key elements of “due diligence” require each officer to:

- Understand and keep up to date with health and safety matters.
- Understand the nature of the PCBU’s health and safety related matters.
- Ensure processes (including applicable resources) are in place to manage risk (isolate, eliminate or minimise).
- Ensure that at least one worker holds a current First Aid Certificate.
- Ensure accurate records and appropriate / compliant reporting
- Ensure compliance with health and safety duties.
- Monitor the performance of the centre in relation to health and safety.
- Ensure that the PCBU has appropriate processes for receiving / considering and responding in a timely way to information regarding incidents, hazards, and risks.
- Verify the organisation’s performance in relation health and safety matters.

5.3 The CLW Trust Board must ensure ongoing review and update of health and safety policy and at a minimum once every 12 months.

Officers

5.4 Officers are not responsible for the primary duty of care but instead must exercise due diligence to ensure that the organisation meets health and safety obligations.

5.5 Key elements of “due diligence” require each officer to:

- Understand and keep up to date with health and safety matters.
- Understand the nature of the PCBU’s health and safety related matters.
- Ensure processes (including applicable resources) are in place to manage risk (isolate, eliminate or minimise).
- Ensure that at least one worker holds a current First Aid Certificate.
- Ensure accurate records and appropriate / compliant reporting.
- Ensure compliance with health and safety duties.
- Monitor the performance of the centre in relation to health and safety.

- Ensure that the PCBU has appropriate processes for receiving / considering and responding in a timely way to information regarding incidents, hazards, and risks.
- Verify the organisation's performance in relation health and safety matters.

5.6 CLW officers must adopt best practice as follows:

- Publish a safety vision / statement.
- Maintain a comprehensive Health and Safety Policy.
- Review all health and safety matters including policy / signage / instructions as necessary AND at a minimum once every 12 months.
- Complete a review report for assessments / changes.
- Management must immediately report any notifiable incidents to the CLW Trust Board chairperson.
- Management must, under any circumstance it deems necessary, recommend an external audit to the CLW Trust Board chairperson.

Workers

5.7 Whilst at work or carrying out work, all workers are expected to:

- If in doubt, ask, don't take chances.
- Take reasonable care for their own health and safety (including taking necessary rest and meal breaks).
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of others.
- Be familiar with CLW policy and procedure and engage in any related training.
- Be familiar with the hazard register and contribute to any necessary updates.
- Contribute to developing and managing health and safety procedures.
- Comply as far as is reasonably possible with any reasonable and lawful instruction(s) given by the PCBU, Manager(s), Emergency Warden(s) and First Aid Officer(s).
- Use common sense when it comes to keeping work spaces clear of hazards such as spills, trip hazards, and electrical cabling; keeping entry / exits clear; setting desks and chairs to an appropriate height to avoid strain.
- Comply with all legislation and / or regulations.
- Report / discuss all relevant health and safety matters with Manager(s).
- **NOTE** health and safety includes stress, significant fatigue (including muscle fatigue), and any adverse effects on mental health in relation to exposure to "sensitive/disturbing information" related to work carried out.

6. ACCIDENTS AND INCIDENTS

Immediate Action

- 6.1 If a CLW employee, officer, or volunteer is involved or within close proximity to an accident / incident this person(s) must immediately take applicable steps such as:
- Signal for help / if necessary, call 111
 - Notify / get help from a First Aid Officer
 - Notify Management
 - Implementing evacuation procedure (for example explosion, fire or gas)

First Aid Officer / Medical Treatment

- 6.2 At least one CLW employee must hold a first aid qualification and will be the deemed First Aid Officer.
- 6.3 A CLW First Aid Officer must be the first point of contact for administration of any first aid / medical attention.
- 6.4 If a person(s) at the CLW office requires urgent medical treatment beyond basic first aid, the First Aid Officer must contact emergency services (unless already actioned by another worker).
- 6.5 A first aid kit is available in the tearoom.
- 6.6 The First Aid Officer is responsible for the security and contents of the first aid kit.
- 6.7 Whether any incident / first aid treatment warrants reporting, please check with management.

Reporting & Notifiable Events

- 6.8 Any accidents / incidents, including near misses, must be reported to a Manager.
- 6.9 Serious accidents or incidents (for example notifiable events or imminent threats) must be reported verbally AND in writing using the standard Incident Form. Anything else / non urgent must be reported in writing using the standard Incident Form.
- 6.10 The HSWA defines “notifiable events” as any death, notifiable injury or illness or incident.
- 6.11 Unless context requires otherwise, a notifiable injury or illness, in relation to a person means any of the following (if treatment is usually required immediately - other than first aid):
- treatment as an inpatient in a hospital; or
 - treatment for an amputation of body part, serious head or eye injury or separation of skin from underlying tissue; or
 - treatment within 48 hours of exposure to a substance; or

- Any serious infection where work is a significant contributing factor; or
 - Any other injury or illness declared by regulations to be a notifiable injury or illness.
- 6.12 A notifiable incident is an unplanned or uncontrolled incident in relation to a workplace that exposes a worker to a serious personal health or safety risk from uncontrolled leakage of substance, implosion, explosion, fire, gas or steam, pressurised substance, electric shock, fall from a height, collapse or overturning of structure.
- 6.13 A PCBU must notify all “notifiable events” as soon as possible after becoming aware. This can be done via telephone or writing.
- 6.14 Management must notify the CLW Trust Board chairperson immediately and aid in the process of complying with WorkSafe instructions.
- 6.15 Any sites associated with a notifiable event must be isolated and left undisturbed until formal WorkSafe reporting is completed.
- 6.16 Management must also record notifiable events using the standard Incident Form.
- 6.17 A record of a notifiable event must be kept for at least 5 years from the date on which notice is given.
- 6.18 Management must report any crime related incidents to the Police (subject to any WorkSafe procedure / instructions).

7. HAZARDS, RISKS & CONTROLS

Hazard Identification and Register

- 7.1 Management must review hazards including potential hazards on a regular basis.
- 7.2 A Hazard Register must be maintained and displayed at the CLW office for all workers, volunteers, and the public.
- 7.3 Each risk must be assessed in terms of likelihood and consequences AND identify the control options (isolation / elimination / minimisation).
- 7.4 Workers are responsible to notify management of any potential hazards not already on the register, or any on the register that requires update.

General Control – STOP, LOOK, THINK, DO

- 7.5 Workers and volunteers must adopt a common-sense practice of STOP, LOOK, THINK, DO.
- 7.6 Whilst CLW takes all reasonably practicable steps to ensure health and safety, workers and volunteers must equally do what they can to minimise risk of accident / injury.

Hazard / Risk	Control
<p>Chemical & Electrical</p> <p>Due to the nature of CLW services the risk related to electric current / faulty equipment is minimal, however common sense must prevail for use of ordinary equipment in the office such as the photocopier, computers, and kitchen appliances.</p>	<p>7.7</p> <ol style="list-style-type: none"> 1. Pay careful attention to instructions and take particular care when changing photocopier cartridges. 2. If exposed to toner or ink seek first aid treat immediately. 3. In general, Switch OFF by the wall before unplugging any electric equipment. 4. Don't OVER fill power boards. 5. Report any sparks or power surges to the Office Administrator or Emergency Warden. It's important to assess what caused the surge / trip. 6. Do NOT attempt to put out an electrical fire (unless you're an expert).
<p>Fire & Earthquake</p>	<p>7.8</p> <p>See Emergency Evacuation.</p>
<p>Outreach Clinics & External Groups / Events</p>	<p>7.9</p> <ol style="list-style-type: none"> 1. Health and safety responsibilities apply equally to outreach work such as clinics, LRE, functions, training and team events. 2. Workers must adopt the same principles and procedures in this document as far as reasonably practical. 3. Workers must also familiarise themselves with the health and safety policy and procedure of an external site. 4. When delivering legal education to high-risk groups such as the Department of Corrections, there must be at least two workers present (one can be a Department of Corrections worker). 5. Any work undertaken at a Corrections facility will be strictly controlled and workers will receive separate instructions and training.
<p>Travel and use of Company Vehicle</p>	<p>7.10</p> <p>See General Code of Conduct – Travel and Vehicle Use.</p>
<p>Smoking/Vaping</p>	<p>7.11</p> <ol style="list-style-type: none"> 1. The Community Law Waikato office is a smoke / vape-free zone. 2. Please check with management for designated areas.
<p>Fatigue / Stress / OOS</p>	<p>7.12</p> <ol style="list-style-type: none"> 1. See Remote Work / Working from Home.
<p>Self-harm</p>	<p>7.13</p> <ol style="list-style-type: none"> 1. See Threats of harm
<p>Bomb Threats & Suspicious Packages</p>	<p>7.14</p> <ol style="list-style-type: none"> 1. See Emergency Evacuation

Intruder / Threats /
Violence

A high risk with exposure to public who may be under the influence / frustrated / mentally unwell / aggressive.

7.15

Office Security & Access

1. During business hours (including evening clinics), there must be at least two workers present AT ALL TIMES.
2. After-hours access must be kept to a minimum AND must be authorised by management (except for short access such as collecting something).
3. Access cards and codes are confidential to individual workers only.
4. The internal door by the reception desk must be locked AT ALL TIMES. The code is confidential to workers only.
5. When only one reception team member is present, the internal door by the photocopier must be kept open AT ALL TIMES.

Client Contact & Interviews

6. Telephone interviews must be used where a client presents with aggression.
7. Workers may NOT arrange off site (setting aside outreach clinics or other official forums such as mediation, Court etc) contact with a client / prospective client UNLESS authorised by management.
8. Workers may NOT accompany a client / prospective client / member of public in a vehicle for any purpose UNLESS authorised by management.
9. Workers may NOT provide a client /prospective client / member of public with the worker's personal contact details such as telephone, email, and address. This includes personal contact via social media.
10. A worker must IMMEDIATELY report any obsessive, aggressive, or other inappropriate behaviour by a client / member of the public.
11. Pocket alarms (available at reception) must be used by ALL workers in interview rooms AT ALL TIMES.
12. If safety becomes a concern during a face-to-face interview, the CLW worker must immediately excuse themselves from the interview and seek management direction.
13. If a pocket alarm is activated, an Emergency Warden must respond immediately. In the absence of an Emergency Warden, other workers will assess the best course of action including calling 111 for assistance.
14. If the blue light is activated for the interview rooms, a worker must follow the lockdown procedure as displayed throughout the office.
15. Pocket alarms have a key attached for the interview room. In the event of a "lockdown" process this key will be used to secure the door from the inside.
16. Reception must NOT leave the office if a client and or caseworker is present (for example an interview). Reception must liaise with a manager or another staff member to provide cover.

	<p>17. Members of the public including clients must NOT be brought into the reception / office space UNLESS authorised by a manager.</p> <p>Visitors</p> <p>18. IF a worker brings a visitor (for example friend or family) into the reception / office space, the respective worker takes responsibility to ensure that all policy and health and safety related procedure is followed by the visitor(s).</p>
Bomb Threats & Suspicious Packages	<p>7.16</p> <ol style="list-style-type: none"> 1. See Emergency Evacuation
Old / Broken Items	<p>7.17</p> <ol style="list-style-type: none"> 1. The toy basket in the waiting area must be checked regularly for unsafe / broken toys. 2. A worker must notify the Office Administrator about any broken or unsafe items in the office. For example, furniture, power boards, appliances, tools / equipment. The Administrator will instruct or take care of disposal .
Trips / Climbs / Falls	<p>7.18</p> <ol style="list-style-type: none"> 1. Don't stand on chairs or any items that could result in a fall. 2. Use the step ladder or ask for help. 3. Take care around high "traffic" zones – slow down when opening / closing doors 3. Take care when using the stairs, do not carry hot drinks or other hazards
Trapped in Elevator / lift	<p>7.19</p> <ol style="list-style-type: none"> 4. Use your mobile phone to call a manager or the Office Administrator. 5. Do not attempt to open the doors or climb through a partially open door. 6. If there is another person(s) keep calm together and check on each other's health – report any anxiety or other symptoms immediately.
Tearoom	<p>7.20</p> <ol style="list-style-type: none"> 1. See the <i>Tearoom Etiquette</i> in the tearoom. 2. Take care around hot water and or equipment, i.e., ovens and hot plates. 3. Take care with sharp objects such as knives (use the protective covers when not in use). 7. Don't choke.
Harassment, Discrimination & Bullying	<p>4. 7.21</p> <p>See Harassment, Discrimination, Bullying & Violence</p>

8. THREATS OF HARM (Including self-harm)

8.1 A person who presents to a worker with threats or intentions of self-harm or serious harm to others must be “handled” with utmost care.

8.2 The immediate priority is to ensure your / other’s safety:

- If the person presents an immediate risk to you or others, you MUST follow the Emergency Lockdown Procedure.
- In a “non-imminent” situation (where there is no obvious immediate risk to safety), ascertain the person’s circumstances and possible intervention required. Consult with the individual concerned only if feasible.
- Depending on the situation, check with a Manager ASAP for guidance / support.
- Two workers must be present with the person concerned.
- An important starting point is to explain to the person what our concern and professional duty is. If the person is willing to engage, the worker must check current support (professional or otherwise), previous or current mental health, and whether the person would like assistance with a referral to a social agency for example DHB.
- If there is a change in demeanour (such as aggression or withdrawal) revert to the applicable step that may include the Emergency Lockdown Procedure.
- The *Crisis Assessment Team* (DHB) has a 24-hour contact line (0800 505050). But this is NOT for emergencies requiring immediate intervention – call 111.
- To receive general information or make a report, any worker may AFTER consulting with a Manger, contact the Adult Mental Health Services 07 834 6902.

8.3 Aside from immediate safety, a Manager will assess and give instructions about potential mandatory disclosure obligations.

8.4 CLW has strict privacy obligations that require careful consideration in instances where we are disclosing a person’s personal information (for example to the police or Oranga Tamariki).

8.5 Disclosure of personal information must comply with all law and or regulations such as the Privacy Act and the Client Care and Conduct Rules for lawyers.

9. HARRASMENT, DISCRIMINATION, BULLYING & VIOLENCE

- 9.1 CLW has a ZERO tolerance policy with regards to any form of harassment, discrimination, bullying and violence (“Prohibited Behaviour”).
- 9.2 All clients, workers and other individuals CLW engages with can expect to be treated with respect and courtesy.
- 9.3 CLW will ensure all reasonably practicable steps to prevent, detect, investigate, report and resolve any Prohibited Behaviour (including complaints).
- 9.4 CLW will ensure a clear, transparent and fair process in relation to dealing with any form of / complaint about Prohibited Behaviour.
- 9.5 All workers must be familiar with and comply with their responsibilities pursuant applicable laws including but not limited to the HSWA, the Human Rights Act, the Lawyers and Conveyancers Act and Conduct and Client Care Rules.
- 9.6 Refer to clause 1 of this policy that sets out who this policy extends to and in what circumstances. NOTE, in particular, the policy applies:
- when on CLW premises; and
 - when outside of CLW premises if engaged by CLW (for example when attending professional development activities, social events, or education presentations); and
 - between workers (for example at social events outside of the workplace).

Definitions & Expectations

Prohibited Behaviour includes behaviour between co workers (including volunteers and managers), between workers and clients, and between workers and members of the public (for example a lawyer from another organisation).

Behaviour includes the use of language (written or spoken), the use of digital or visual material and physical behaviour.

Bullying

Means repeated and unreasonable behaviour directed towards a person or people that is likely to lead to physical or psychological harm.

Harassment

Intimidating, threatening, or degrading behaviour directed towards a person or group that is likely to have a harmful effect on the recipient; and includes repeated behaviour but may be a serious single incident.

Racial Harassment

Behaviour that expresses hostility against, or contempt or ridicule towards, another person on the ground of race, ethnicity, or national origin; and is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person).

Sexual Harassment

Subjecting another person to unreasonable behaviour of a sexual nature that is likely to be unwelcome or offensive to that person (whether or not it was conveyed directly to that person); or

A request made by a person of any other person for sexual intercourse, sexual contact, or any other form of sexual activity, that contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

Violence

Violence of any kind including physical, psychological, sexual abuse / assault.

Complaints & Investigation

- 9.7 A worker who wants to report or make a complaint about Prohibited Behaviour may do so either verbally or in writing to a CLW Manager and or the Chairperson of the CLW Trust Board. Verbal complaints will require written confirmation.
- 9.8 A Manager who receives a verbal or written report or complaint must immediately refer it to the Chairperson of the CLW Trust Board.
- 9.9 Intimidation, victimisation, discrimination or any form of retaliatory conduct in response to a report or complaint will be treated as potential misconduct and disciplinary action will follow.
- 9.10 The immediate priority upon receipt of reports or complaints is, is to ensure the safety of all involved. A Manager and or the Chairperson will assess the circumstances and advise those involved of the applicable steps / options forward.
- 9.11 The CLW Trust Board must proceed with investigation and must do so in accordance with legal responsibilities pursuant but not limited to the Privacy Act, the Employment Relations Act and the Lawyers and Conveyancer's Act.
- 9.12 An investigation by the CLW Trust Board may be subject to other investigations or procedures (including anything pending) by another entity such as the New Zealand Law Society or NZ Police.
- 9.13 The CLW Trust Board will take into account the complainant's wishes (including withdrawal of a complaint and privacy). However the investigation and course of action will be subject to any overriding duties such as mandatory reporting (to the Police and

the Law Society) and health and safety (HSWA, the Human Rights Act and the Employment Relations Act).

- 9.14 Parameters of confidentiality does not prevent CLW from using or disclosing any material necessary to instigate or defend any legal proceedings or make submissions in relation to any enquiry or complaint, to refer a matter to the police or to make a mandatory report to the Law Society under the client care rules.
- 9.15 Anyone involved in a report or complaint is entitled to legal representation and a support person(s).
- 9.16 The CLW Trust Board may appoint an independent investigator if deemed necessary.
- 9.17 Any workers who are approached during an investigation will be advised of the purpose of the discussion and the fact that their statements may be a formal record.
- 9.18 A worker who has made a report or complaint will be informed of the progress and the outcome, subject to confidentiality and other legal considerations.

Prohibited Behaviour by Clients

- 9.19 If a client's conduct amounts to Prohibited Behaviour or is threatened, a CLW worker must notify a Manager immediately.
- 9.20 The Conduct and Client Care Rules allows a lawyer to end a retainer with a client if Prohibited Behaviour has occurred. The rule extends to anyone associated with CLW (not just the lawyer assigned). This is consistent with CLW's duty pursuant the HSWA, Human Rights Act and the Employment Relations Act.
- 9.21 Terminating client instructions without permitted and genuine grounds could amount to a breach of professional duty. Hence requiring Management direction.
- 9.22 Depending on the circumstances, a client file may be reassigned to another worker but only if it alleviates any potential health and safety risk AND is practical.

Mandatory Reporting

- 9.23 CLW has a designated lawyer(s) who are responsible for annual and other reporting obligations. Specifically, a designated lawyer must:
 - 9.24 Notify within 14 days if there is a written warning or dismissal due to Prohibited Behaviour OR if any person leaves CLW having been advised within the previous 12 months that it intended to investigate that person's conduct in relation to Prohibited Behaviour.
 - 9.25 All lawyers have mandatory professional reporting obligations in relation to Prohibited Behaviour. Lawyers are expected to familiarise themselves and comply with their obligations.

Support Services for CLW Workers

- 9.26 A CLW worker effected by Prohibited Behaviour may seek support from a range of independent sources including but of course not limited to those promoted by CLW.
- 9.27 CLW will display a list of current external support services. A worker may approach a Manager at any time to discuss these options further.
- 9.28 A lawyer who is the subject of a complaint may contact a member of the New Zealand Complaints Advisory Panel for free and confidential advice. A lawyer subject to a Law Society complaint will receive notice of the process including this option.

10. WELLBEING & MENTAL HEALTH

- 10.1 CLW is committed to individual wellbeing, including emotional wellbeing.
- 10.2 CLW will develop and maintain strategies to support individual wellbeing for employees and volunteers. For example wellbeing grants, flexible work arrangements, learning and development plans / activity, and external support avenues.
- 10.3 CLW workers must, at all times, conduct themselves in a manner that contributes to the positive wellbeing of others. This includes but is not limited to treating each other with respect and being supportive.
- 10.4 Managers must monitor the wellbeing of individual employees and volunteers. This will be achieved by both informal conversation and formal performance reviews.
- 10.5 Employees and volunteers may (and are encouraged to) disclose / discuss personal wellbeing that affects or may affect their ability to do their work or their relationship with other workers. Disclosure may be to a Manager or the Chairperson of the CLW Trust Board.
- 10.6 An employee or volunteer may (and is encouraged to) partake in a de-brief process in the event of coming across or dealing with sensitive / disturbing client related information. The purpose of a de-brief is to gauge the nature of the impact on a worker, any possible internal flaws / improvements and any further support required.
- 10.7 External support avenues available to staff are those referred to in this policy under (*see Support Services for CLW Workers*).

11. REMOTE WORK / WORKING FROM HOME

- 11.1 CLW health and safety obligations extend to any CLW workers' remote workspace.
- 11.2 CLW employees and volunteers who wish to work remotely / work from home must get approval from a Manager.
- 11.3 A remote work / working from home self-assessment must be completed to show that you have taken reasonably practicable steps to ensure that:
- Lighting, noise, and air quality is suitable and supports a productive working environment.
 - The workstation equipment and layout provide you with a comfortable and safe working posture.
 - The remote work / working from home environment supports positive mental health / wellbeing.
- 11.4 No action or inaction while working causes harm to others.
- 11.5 Approved workers are required to sign and return the remote work / working from home agreement.
- 11.6 It is expected that you will maintain a safe remote workspace and notify Management of any potential hazards or wellbeing concerns (see hazards, risks & controls).
- 11.7 A worker must report any accidents / incidents / injury / illness (as outlined in this policy), using the standard Incident Form.

12. EMERGENCY PROCESS / EVACUATION

Emergency Wardens & Instructions

- 12.1 CLW must always designate a minimum of two Emergency Wardens.
- 12.2 Emergency Wardens are responsible for leading emergency instructions and workers and volunteers must always follow these instructions.
- 12.3 If neither Wardens are onsite during an emergency, and if practical to do so, they must be contacted via mobile phone. IF not, workers must implement emergency procedures including calling emergency response services.
- 12.4 Emergency Wardens Duties:
- Immediately establish the circumstances giving rise to the emergency.
 - Liaise with Management (if applicable and if circumstances permit).
 - Use your mobile phone to contact emergency services.
 - Give CLEAR and LOUD instructions for evacuation.
 - If circumstances permit, check all rooms, bathrooms and stairwells.

- Account for all staff and volunteers in assembly area.
- Liaise with emergency services (advise of any special assistance required).
- Give instructions to re-enter building once / if cleared.
- Complete any necessary reporting (including communication with CLW Trust Board).

Emergency Assembly Point

12.5 In an emergency at the main office, the assembly point is the carpark outside the front of the building or the carpark immediately next door.

12.6 Workers and visitors must remain in this area until otherwise instructed.

General Evacuation Procedure

12.7 Follow the Emergency Warden's instructions.

12.8 If exiting the building, leave via the front or rear door of the office to the outside assembly point.

12.9 Do NOT use the lift.

12.10 Stay calm and maintain an orderly manner.

12.11 Do not carry hot drinks or items which may hinder evacuation.

12.12 If anyone in the building needs assistance to evacuate tell the Emergency Warden and or Emergency Services. Do NOT attempt to assist on your own.

Fire

12.13 Activate the fire alarm if not already triggered - break glass and trip the switch. Fire alarms are in the foyer of the front and rear staircases on the 2nd Floor.

12.14 Follow the general evacuation procedure using the safest exit.

12.15 For SMALL FIRES and if it is safe to do so, the Emergency Warden may attempt to put out the fire by using the equipment provided. A Fire extinguisher (BCF type) is located in the corridor opposite the staffroom. Do not persist with attempts to extinguish the fire should it become uncontrollable.

Earthquake

12.16 If you are outside:

- Find a clear safe spot, drop to the ground and stay there until the shaking stops.

12.17 If in a vehicle:

- Pull over to a clear location, stop with your seatbelt fastened until the shaking stops. Once the shaking stops, check and follow for Emergency Service instructions.

12.18 If you are inside:

- DROP COVER & HOLD – move no more than a few steps to a safe place and drop.
- Follow the Emergency Warden's instructions.
- Expect aftershocks. Each time you feel one, drop, cover and hold.
- After the shaking stops, gather with others in the vicinity, care for injuries and work as a team to establish a safe route to an assembly area BEFORE leaving the building.
- If safe to do so assemble at the evacuation assembly area.
- The Emergency Warden must turn off the electricity / gas at the main fuse box if it is safe to do so (or instruct Emergency Services).
- Take bags, phones, wallets and any emergency supply you may have.
- Assist injured people to evacuate or note their locations to pass onto Emergency Services.
- Use mobile texting to contact families. This will keep lines free for Emergency Services.
- If practicable keep a register of workers present, log when they leave and their intentions (for example to pick up children from day-care, walk home). Arrange to travel in groups where possible. It's best not to all go at once, as transport and roads could be overloaded.
- Listen to a radio for updated Emergency Response information and instructions.

Intruder / Threats / Violence (Refer to Lockdown)

12.19 De-escalate the situation and or get out of harm's way.

12.20 Think **CLEVER** and **FAST** (use excuses and or press the emergency alarm).

12.21 Do **NOT** attempt to restrain an intruder / aggressive person(s).

12.22 If possible, immediately notify the Emergency Warden(s).

12.23 If the risk / threat presents in an interview room, use the pocket alarm and leave the room immediately if you are able to do so.

12.24 If the risk presents in the reception area, follow the lock down procedure.

Lockdown Process (See Chart)

- 12.25 Management or another worker may initiate a lockdown process at any time.
- 12.26 Workers in the interview rooms will be notified of a lockdown by the blue flashing lights. The worker must immediately:
- lock themselves / others in the room (using the key on the pocket alarm) AND
 - remain calm in the room until management unlocks the door from the outside.
- 12.27 Workers in the front reception area, either instructing or receiving instructions for a lockdown, must immediately:
- move to the back office (along with those in the side reception office), AND
 - lock the door by the photocopier, AND
 - press the button for blue lights in the interview rooms, AND
 - notify management / others.
- *IF a worker(s) in the reception area thinks necessary or cannot leave, they may use the red emergency alarm which signals a lockdown.*

Bomb Threats

- 12.28 A worker who has received a threat must report it to the Emergency Warden immediately. IF the Emergency Warden is not available, call 111 immediately.
- 12.29 Workers / others must comply with any special instructions which may include the route of evacuation.

Suspicious Packages

- 12.30 A suspicious package or parcel is NOT to be touched or disturbed.
- 12.31 A worker who has received or noticed a suspicious package must report it to the Emergency Warden immediately. IF the Emergency Warden is not available, call 111 immediately.

13. DISASTER RECOVERY / BUSINESS CONTINUITY

- 13.1 Disaster recovery and business continuity must be managed on a case-by-case basis.
- 13.2 Numerous factors will be relevant in formulating a plan, and at a minimum the following must be evaluated;
- Health and Safety (of all workers and other stakeholders)
 - insurance notification / instruction
 - state service / instructions / recommendation
 - building and proximate environment (including equipment, client data, and other resources).

- 13.3 CLW's operation is largely dependent on technology, specifically the internet. Majority of work including client files are management electronically. Systems are in place to ensure recovery / access of majority of data off site (subject to the technological infrastructure).
- 13.4 Alternative business premises could be arranged if necessary.
- 13.5 In the event of a disaster /event which is a significant disruption of business continuity (longer than 24 hours), Management must as soon as practicable liaise with the CLW Chairperson. A plan of action will be formulated at this meeting unless the decision is deferred.
- 13.6 Management is responsible for the coordination and implementation of any action plan.