

Factsheet

Workers Health and Safety



COOK ISLANDS
CHAMBER OF COMMERCE
PUNANGA KIMI PUAPINGA O TE KUKI AIRANI

Currently, health and safety is covered in the ERA Part 7. It is expected that there will be a new stand-alone Workers Health and Safety Act in the near future.

Key Employer & Employee Responsibilities

A stand-alone Workers Health and Safety Act is currently being developed. Workers health and safety is currently part of the Employment Relations Act (2012), Part 7. Key employer and employee responsibilities are listed below

- An employer must take all reasonably practical steps to maintain a safe and health working environment for the employer's employees.
- An employee just take all reasonably practical steps to ensure their safety while at work and that no action or inaction of the employee while at work causes harm to any other person.
- If an accident occurs in a workplace and the accident causes death or serious bodily injury (serious bodily injury means an injury which causes the injured to be hospitalized for a period of 48 hours or more within 7 days of the accident) to an employee employed at the workplace, then the employer must, within 48 hours after the accident, give the Ministry of Internal Affairs a written notice specifying:

- The nature of the accident
- The name, residential address, and age of the employee; and
- The measures (if any) taken by the employer as a result of the accident.

An Ministry of Internal Affairs inspector will then conduct a full inquiry into the nature and cause of the accident and the nature and extent of any injuries caused by the accident.

- An employer must keep a register of all accidents that occur at a workplace at which the employer employs employees.
- If an employee operates dangerous machinery, the employer must ensure the employee is given appropriate training in the safe use of the machinery before the employee operates the machinery
- An employer must not require an employee aged under 18 years of age to work in a hazardous occupation.
- If an inspector has reasonable grounds to believe that an employer is not complying with a provision of the ERA or the regulations relating to health, welfare, and safety, then they can write to the employer requiring them to comply with the Act or the regulations, or remedy any defect to the satisfaction of the inspector.

For more information

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