



# Electrical Workers Registration Board

SAFETY | COMPETENCY | COMPLIANCE

## Issuing Employer Licences

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## 1. Purpose/Introduction

- 1.1 Section 115 of the Electricity Act 1992 (“the Act”) provides for the issue of Employer Licences by the Board to any person who meets the requirements laid out in section 116 of the Act.
- 1.2 Under section 115(3) the Board may impose any terms and conditions the Board thinks fit including restricting the types of prescribed electrical work that may be done under an employer licence.
- 1.3 To enable a consistent and transparent approach to be taken to the administration of the employer licence system the Board has set the following policy in relation to the issuing of employer licences.

## 2. Applications for Employer Licences

- 2.1 Applications for an employer licence are to be made on the Board’s prescribed form which can be obtained from the Board’s website or from the Registrar.
- 2.2 The application must identify the type of prescribed electrical work which will be undertaken and the specific locations where it will be undertaken. Any licence issued will, subject to any other terms or conditions imposed by the Board, be issued on the term that the prescribed electrical work to be undertaken under it will be limited to the types and locations applied for.
- 2.3 Any application must be accompanied by:
  - (a) the prescribed fee. Details of the prescribed fee can be obtained from the Board’s website or from the Registrar;
  - (b) the (initial) certificate from an Accredited Person provided for in section 116 of the Act showing compliance with regulation 95 of the of the Electricity (Safety) Regulations 2010 (“the Regulations”) or such other evidence as is required to satisfy the Board that the requirements of section 115 of the Act have been met;
  - (c) a copy of the Manual provided for in regulation 94 of the Regulations. If a certificate under section 116 of the Act is provided then the Manual is to be certified as true and correct by the Accredited Person. The details of the names of every employee of the

holder who are to carry out prescribed electrical work need only be correct as at the date the Manual is submitted;

- (d) a copy of any report provided by the Approved Person as defined in regulation 96 of the Regulations who has provided the certificate under section 116 of the Act; and
- (e) a statement from the Approved Person certifying that the Manual is consistent with the limits on the types of prescribed electrical work and locations applied for in the application.

### 3. Approved Persons

- 3.1 Regulation 96 of the Electrical (Safety) Regulations 2010 (the Regulations) sets out who may be designated as an Approved Person. Included in the requirements are that they:
  - (a) are accredited auditors as per regulation 4 of the Regulations; and
  - (b) satisfy the Board that they are capable of certifying whether a system of operation complies with section 115(1)(a) and (b) of the Act.
- 3.2 The Board has established the Electrical Workers Registration Board Employer licence Scheme (the Scheme) as a means of assessing whether Approved Persons meet the requirements to satisfy the Board that they are capable of certifying whether a system of operation complies with section 115(1)(a) and (b) of the Act. A copy of the Scheme is contained in the Appendices.
- 3.3 For the purposes of section 116(3) of the Act and regulation 96 of the Regulations the Board maintains a list of Approved Persons which can be obtained from the Registrar by applicants for an employer licence.
- 3.4 Persons who want to be designated as Approved Persons may apply to the Board setting out detail on how they meet the requirements of the Scheme and regulations 4 and 96 of the Regulations.
- 3.5 The Board will require the Approved Person to enter into an agreement covering the terms and conditions of their appointment and may, at any time on giving reasonable notice, audit an Approved Person.
- 3.6 The Board will, from time to time, review its list of Approved Persons and in accordance with regulation 96(2) remove any person it does not consider meets the requirements of regulation 96(1).

### 4. Initial Certificate and Annual Certification

- 4.1 An applicant for an employer licence who is relying on section 116 of the Act is required to provide a certificate from an Approved Person in accordance with section 115 of the Act (the Initial Certificate).
- 4.2 An Approved Person who provides an initial or an annual certificate must certify that they have carried out their assessment in accordance with the Scheme.
- 4.3 The form of the Initial Certificate is contained in the Appendices. All details set out in the Initial Certificate must be provided. Additional information may be provided. The Initial Certificate must have been issued by an approved person within the previous 90 days of being provided to the Board.
- 4.4 Holders of an employer licence are to supply the Board annually with an annual certificate from an approved person in accordance with section 116 of the Act (the Annual Certificate) within 30 days of the anniversary of the date the employer licence was.
- 4.5 The form of the Annual Certificate is contained in the Appendices. All details set out in the certificate must be provided. Additional information may be provided. The certificate must have been issued by an approved person within the previous 90 days of being provided to the Board.

## 5. Issuing Employer Licences

- 5.1 The Board will issue an employer licence to any person who meets the requirements specified in the Act, Regulations and this Policy.
- 5.2 Under section 115(3) the Board may impose terms and conditions on an employer licence. The Board will, in considering any application and in issuing any employer licence, impose any terms and conditions it thinks fit. In particular, but without limiting the terms and conditions it may impose, the Board may restrict:
  - (a) the type of prescribed work to be undertaken; and/or
  - (b) the geographic areas in which the prescribed work is to be undertaken.
- 5.3 The Board may delegate the issuing of employer licences to the Registrar in accordance with the Act and its Delegation Agreement but the Registrar may refer any application at any time to the Board for it to consider and issue.
- 5.4 The Registrar or the Board may, in their sole discretion, consult with the applicant, an Approved Person or any other interested party in respect of an application and/or any terms and conditions it might impose prior to the Board issuing it.
- 5.5 If an employer licence holder disagrees with any term or condition imposed by the Board they may make submissions to the Board in writing or give notice to the Board that they wish to appear and be heard in respect of those terms and conditions.
- 5.6 The form of the Employer Licence is contained in the appendices.

## 6. Duration of Employer Licences

- 6.1 Employer licences will be issued for an appropriate term at the discretion of the Board subject to any suspension and/or cancellation under section 120 of the Act.
- 6.2 The Board's policy is to issue employer licences for no more than 18 months on an initial application unless the applicant can show good reason why a longer period should be granted.

## 7. Employer Manuals and Change of Manual

- 7.1 A holder of an employer licence must at all times maintain a manual as per the requirements of regulation 95 (the Manual). A Manual must be contained in a single coherent document or place and be cannot be a collection of web or on line documents or references unless capable of being printed as a single document.
- 7.2 The Board must be notified, at the time of Annual Certification, of any changes to the Manual other than any changes to the employees names under regulation 94(2)(b) and must provide a tracked change copy of the changes to the Manual with the Annual Certification.

## 8. Renewal of Employer Licences

- 8.1 Any application for renewal of an employer licence that meets the requirements of section 119 of the Act will be granted.
- 8.2 Application is to be made in accordance with the provisions of clause 2 herein.
- 8.3 Renewed Employer licences will be issued for an appropriate term at the discretion of the Board.
- 8.4 In accordance with section 119(6) of the Act if an application for the renewal of an employer licence has been made but not dealt with before the licence expires, the licence continues in force until the application is dealt with by the Board, and any renewal in that case must take effect from the date on which the licence would (but for the renewal) have expired.

## 9. Approved Persons

## 10. Audit

- 10.1 Employer licence holders will be subject to the Board's Audit Policy and may, at any time, be audited in accordance with it.

## 11. Complaints and Inspection

- 11.1 Employer licence holders are reminded of the provisions of sections 120 to 122 of the Act in relation to complaints against or Board inquiries into employer licence holders and their attention is drawn to the Board's rules in this respect (O-R-07A Complaints Against Employer Licence Holders).

- 11.2 Employer licence holders are also reminded of the Board's powers of inspection under section 123 of the Act.

## Appendices

Electrical Workers Registration Board Employer Licence Scheme

*Joint Accreditation System of Australia and New Zealand*



## **Electrical Workers Registration Board**

### **Employer Licence Scheme**

**(EWRB - EL)**

## **New Zealand**

**Requirements for bodies providing audit and certification of  
Employer Licence applicants and holders (Section 115 of the Electricity Act  
1992)**

**ISSUE 1, 15 March 2016**

Authority to Issue

*Signature*

Dr James Galloway  
Chief Executive  
with Authority of the Governing Board

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## 0. Introduction

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### 0.1 Background

The Employer Licence Scheme is a regulatory scheme owned by the Electricity Workers Registration Board (EWRB) (“the Board”).

An employer licence authorises the licence holder to authorise employees<sup>1</sup> to do, or assist in doing, any prescribed electrical work.

Employer licences are issued by the Board upon consideration of an employer’s application as prescribed by section 115 of the Electricity Act 1992 (the “Act”).

Amongst other matters, that application requires evidence of accredited certification that the employer licence applicant or holder’s system of operation complies with specific provisions of that Act and Electricity (Safety) Regulations 2010, clauses 92, 93 and 94 (ESR 92 - 94). Following any granting of an employer licence the holder is required to furnish annual accredited certificates of compliance to the Board.

The Electricity (Safety) Regulations 2010 (ESR) requires that any employer licence must be certified by an ‘approved person’. ESR 96 defines an ‘approved person’ to be an “accredited auditor” that satisfies the Board that it is capable of certifying whether a system of operation complies with the Act. ESR 4 defines an ‘accredited auditor’ to be a (certification) body accredited by JAS-ANZ or equivalent accredited organisation. The Board will accept certification bodies accredited for the Employer Licence Scheme as being capable of certifying employer licence systems of operation; such bodies will be regarded as ‘approved persons’ for the purposes of ESR 96.

The Employer Licence Scheme establishes the requirements for certification bodies providing audit and certification of employer licence applicants and holders that they will at all times maintain a system of operation:

- (a) that complies with the requirements that are prescribed by regulations, and
- (b) that is sufficient to ensure that employees of that employer licence applicant and holders who do, or assist in doing, prescribed electrical work:
  - (i) are competent to carry out the range of work for which they are employed; and
  - (ii) receive the supervision and training that is necessary to ensure that the work
    - (A) is carried out safely and competently, and
    - (B) complies with the requirements of the Act and any regulations.

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<sup>1</sup> Note 1: The Electricity Act requires that employees may only carry out prescribed electrical work under an employer licence. Persons with contracts for service are not permitted to work under such a licence.

Note 2: It is possible for the employer licence holder to authorise any employee who holds an individual Board registration and a current practising licence to carry out prescribed electrical work under the employer licence. In these circumstances, the employer licence holder is responsible for the compliance of such work with the Electricity (Safety) Regulations 2010.

The Employer Licence Scheme was developed by a JAS-ANZ Technical Committee in consideration of the regulatory requirements. The committee comprised a broad and balanced representation of significantly interested parties.

## 0.2 Object and field of application

This Scheme contains requirements that supplement, but do not diminish the requirements of ISO/IEC 17021-1, which is the current International Standard for bodies auditing and certifying management systems.

Certification bodies seeking accreditation to provide employer licence certification services will be required to satisfy the requirements of ISO/IEC 17021-1 and those other requirements specified in this document.

For ease of reference, the clause numbers in this document (other than in this Introduction and the Annexes) refer to the clauses in ISO/IEC 17021-1:2015. Clause numbers prefixed with the letter 'J' are requirements developed by the above technical committees.

The term “**should**” indicates a recognised means of meeting a requirement of this Scheme. A certification body can meet these requirements in an equivalent way provided this can be demonstrated to the satisfaction of JAS-ANZ. The term “**shall**” is used in this document to indicate those provisions that are mandatory.

## 0.3 Transition policy for CBs

### Accreditation

Current “approved persons” shall immediately commence their transition to the Scheme. Where accreditation is not attained within 6 months of the scheme’s publication date the “approved person” will no longer be recognised by the Board.

Certification bodies currently accredited to ISO IEC 17021:2011 are required to transition to ISO/IEC 17021-1:2015 in accordance with the associated JAS-ANZ Policy. All other applicants are required to seek accreditation to ISO IEC 17021-1 from the outset.

### Certification

Non-accredited employer licence certificates will not be recognised by the Board after 12 months from the publication date of this scheme. In consultation with, and to the satisfaction of JAS-ANZ, accredited certificates can be retrospectively issued where the certification body can demonstrate satisfactory conformance with the scheme requirements in the case of each issuance.

# 1. Scope

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Scheme access is only available to employers performing prescribed electrical work for which an employer licence is sought or held. Employer licence holders are eligible for on-going certification (and therefore licensing) only where they maintain scheme capability and competence.

## 2. Normative references

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The following referenced documents are indispensable for the application of this Scheme. For dated references, on the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

- Electricity Act 1992
- Electricity (Safety) Regulations 2010 (ESRs) clauses 92, 93 and 94 (ESR 92 - 94). These clauses form the 'certification standard'
- IAF MD 1 – IAF Mandatory Document for the Certification of Multiple Sites Based on Sampling, available at [www.iaf.nu](http://www.iaf.nu)
- IAF MD 2 – IAF Mandatory Document for the Transfer of Accredited Certification of Management Systems, available at [www.iaf.nu](http://www.iaf.nu)
- ISO/IEC 17021-1 – Conformity Assessment – Requirements for bodies providing audit and certification of management systems. Part 1: Requirements
- JAS-ANZ Policy 03/11 – Transfer of accredited management system certification.

### 3. Terms, definitions and abbreviations

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<u>Board</u>	Electrical Workers Registration Board (EWRB), being the Scheme Owner.
<u>Elements: Non-technical</u>	Includes, but is not limited to, audit of: <ul style="list-style-type: none"> <li>(a) completeness, currency and maintenance of the employer’s manual.</li> <li>(b) the names of every employee who is to carry out identified prescribed electrical work under the licence, along with a description of the identified prescribed electrical work that each employee is trained, and has the skills, to do.</li> <li>(c) geographic scope of the proposed or actual employer licence.</li> <li>(d) employer’s contact information for the employer licence.</li> </ul>
<u>Elements: Technical</u>	Includes, but is not limited to, audit of whether the following required outcomes are being fully achieved: <ul style="list-style-type: none"> <li>(a) proposed or actual prescribed electrical work to be performed under an employer licence is accurately identified (the identified prescribed electrical work).</li> <li>(b) the necessary skills and training required to carry out each type of electrical work are identified and provided by the employer, and that employee competencies are established and monitored.</li> <li>(c) proposed or actual identified prescribed electrical work does, or will, comply with all statutory and regulatory requirements, in addition to responsibilities under the Health and Safety legislation.</li> <li>(d) employer resourcing, supervision and monitoring of identified prescribed electrical work are adequate and effective.</li> <li>(e) employer investigations of injuries caused to persons, and damage caused to property, as a result of carrying out any prescribed electrical work are conducted with the necessary technical and regulatory competence and rigour.</li> <li>(f) employers take appropriate action to prevent, and in response to, injuries to persons or damage to property that results from carrying out the identified prescribed electrical work.</li> </ul>
<u>Employer</u>	for purposes of this scheme, the holder of the employer licence or, in respect of an initial application for certification, the employer licence applicant.
<u>Prescribed electrical work</u>	means electrical work as defined by Schedule 1 of the ESRs.
<u>Employee</u>	means any person who is employed to do any work for hire or reward under a contract of service.

#### Abbreviations

<u>OHS</u>	Occupational health and safety system
<u>PEW</u>	Prescribed electrical work (refer to definition above)
<u>QMS</u>	Quality management system

## 4. Principles

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*No additional principles*

## 5. General requirements

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### 5.1.2 Certification agreement

J.5.1.2 The certification agreement shall enable the certification body to provide the Board with a copy of each audit report (as pertains to the employer licence). (See clause J.9.4.8.5).

### 5.1.3 Responsibility for certification decisions

J.5.1.3.1 The certification body shall consult with the Board as and when necessary and endeavour to achieve mutual alignment between the certification body's decisions relating to certification and any Board decisions relating to employer licences. Alignment of certification term and employer licence term is not mandatory.

## 6. Structural requirements

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No additional requirements

## 7. Resource requirements

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### 7.1 Competence of personnel

#### J.7.1.1 Technical and non-technical scheme elements

The certification body shall establish competency criteria in consideration of the scheme's [technical and non-technical elements](#), and in consideration of the audit and certification scopes. Mandatory audit team competencies are defined in J.9.2.2.1.8 to J.9.2.2.1.10.

## 8. Information requirements

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### 8.1 Certification documents

#### J.8.2.2.1 Certification documents shall also include:

- (a) The details of the prescribed electrical work within the scope of certification
- (b) The geographic locations and/or assets where the prescribed electrical work is to be undertaken
- (c) A statement that the employer's employer licence manual (the "manual") is consistent with the limits of the prescribed electrical work and locations of operation (i.e. (a) and (b) above)
- (d) The current version of the manual in (c) above.

J.8.2.2.2 As the cycle and duration of the employer licence and the certification may differ, the certification body shall, within 30 days of the anniversary of the date when the

employer licence was issued and for duration of that licence, provide confirmation of certification to the Board. 2

## 9. Process requirements

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### 9.1 Pre-certification activities

#### 9.1.2 Application review

Note: The certification body should be aware that some entities may not be entitled to be issued with an employer licence and therefore not eligible to apply for certification (see section 120 of the Act). The application process should ensure that only those bodies eligible for licencing are certified.

#### 9.1.3 Audit programme

J.9.1.3.2.1 The certification cycle can be up to 3 years as necessary to achieve synchronisation with the employer licence cycle. Where possible the certification term and the employer licence term should be coincident.

J.9.1.3.6 The audit programme shall:

- (a) be designed by taking into account risks associated with actual or proposed work performed under the employer licence in scheduling and prioritisation of audit activities
- (b) be designed to ensure that objective evidence is obtained by audit of a range of prescribed electrical work in progress and completed as performed and supervised by a range of employees at a range of sites and circumstances.

The certification body shall ensure that this programme:

- (i) includes observation of employees performing prescribed electrical work
- (ii) endeavours to engage with different employees at each audit over the audit cycle
- (iii) audits the range of prescribed electrical work and types of sites (e.g. above ground, subsurface, industrial sites) in which it is performed over the certification cycle
- (iv) verifies the designation and competence of employees performing, supervising and signing off prescribed electrical work
- (v) verifies the adequacy of the provision of training, assessment and supervision
- (vi) verifies on-going internal monitoring and internal auditing of the employer licence system
- (vii) inspects records relating to completed electrical work and associated equipment (e.g. ESC, certification required under the Act and ESRs).

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<sup>2</sup> This will necessitate the certification body sight or maintain a current copy of the employer licence, or otherwise obtain the necessary information.

- (viii) verifies that the system of operation ensures that any employee who holds individual registration and a current practising licence and normally or periodically carries out prescribed electrical work under the employer licence is clear as to whether, in any work situation, such work is being carried out under the employer licence or the employee's own licence.

#### 9.1.4 *Determining audit time*

J.9.1.4.5 Consideration shall be given to clause 9.1.4 in determining audit duration.

#### 9.1.5 *Multi-site sampling*

J.9.1.5.1 The audit of employer licence holders is eligible for multi-site sampling in accordance with IAF MD 1 provided the employer licence holder satisfies the eligibility criteria of IAF MD 1.

### 9.2.2 *Audit team selection and assignments*

#### 9.2.2.1 *General*

J.9.2.2.1.6 Audit teams may use technical experts with specific [technical element](#) knowledge.

J.9.2.2.1.7 If a certification body uses technical experts, its systems shall include details of how technical experts are selected and how their technical knowledge is assured on a continuing basis. The certification body may rely on outside help, e.g. from industry or professional institutions.

J.9.2.2.1.8 The audit team member(s) conducting an audit of the [technical elements](#) shall satisfy the following minimum competencies, or else be accompanied by a technical expert or auditor who satisfies the competencies:

- (a) Possessing knowledge, skills and experience that is appropriate for the prescribed electrical work that has been, or is being, carried out under the employer licence, such as:
  - (i) for prescribed electrical work carried out on works or high voltage electrical installations, a person with appropriate electrical qualifications and at least 10 years' experience in the electricity supply industry
  - (ii) for prescribed electrical work carried out on low voltage electrical installations or electrical appliances, a person with a class of registration that is at least commensurate with what would be the class of registration required to perform the work in the absence of an employer licence and at least 5 years' experience in the electrical industry.

Note: Registration classes and limits of work are available at [www.EWRB.govt.nz](http://www.EWRB.govt.nz).

- (b) Conversance with the legislative, regulatory and other requirements applicable to the audit scope including:
  - (i) Electricity Act 1992
  - (ii) Electricity (Safety) Regulations
  - (iii) *Gazette* notices
  - (iv) Electrical Workers Registration Board notifications

(v) Electrical codes of practice.

J.9.2.2.1.9 The certification body shall select audit teams with direct relevant experience with the type(s) of prescribed electrical work performed by the employer subject to audit.

J.9.2.2.1.10 The team member(s) auditing the [non-technical elements](#) shall be a QMS or OHS auditor for which the certification body has also assigned appropriate electrical industry scoping.

## 9.2 Planning audits

### 9.2.3.2 Preparing the audit plan

J.9.2.3.2.1 For initial, surveillance and recertification audits the audit plan and audit activities shall allow for the determination of the compliance and maintenance of the employer's system of operation with the prescribed requirements of ESR 94, specifically being:

- (a) that the prescribed electrical work (identified prescribed electrical work) that will be undertaken under the employer licence is identified; and
- (b) that the skills and training required in order to carry out each kind of identified prescribed electrical work is identified; and
- (c) the employer has in place procedures for each of the following:
  - (i) carrying out, supervising, and monitoring the identified prescribed electrical work;
  - (ii) investigating injuries caused to persons, and damage caused to property, as a result of carrying out any identified prescribed electrical work;
  - (iii) taking action to prevent, and in response to, injuries to persons or damage to property that results from carrying out the identified prescribed electrical work is taken; and
- (d) maintains a manual that sets out the following matters:
  - (i) All matters referred to in (a) to (c) above
  - (ii) The names of every employee who is to carry out identified prescribed electrical work, along with a description of the identified prescribed electrical work that each employee is trained, and has the skills, to do; and
  - (iii) The location and address of each place of work from which the holder of the licence operates, and that is intended to be covered by the licence, and
  - (iv) A contact person for the licence, who must be an employee of the holder, identified by name or position.

Note: In addition to the above, the employer has specific responsibilities under health and safety legislation in respect of ensuring the safety of employers, employees and others in the workplace.

J.9.2.3.2.2 For planning of surveillance and recertification audits the certification body shall sight the Employer Licence and take into account any special conditions and validity dates.

### 9.4.8 *Audit Report*

J.9.4.8.4 The report shall also:

- (a) Provide a rolling record of annual statistics over the certification cycle of:
  - (i) The number and names of employees performing work under the employer licence
  - (ii) The number and names of employees performing prescribed electrical work and specifically subject to each audit (refer to clause J.9.1.3.6), and the details of prescribed electrical work performed
  - (iii) Geographic locations where the prescribed electrical work is undertaken and the geographic coverage of the audit tasks.

These statistics shall be used in development of the audit programme and audit plans, and demonstrating compliance with J.9.1.3.6.

- (b) Identify any difference in scope between the Employer Licence application and the certified scope.

J.9.4.8.5 The certification body shall forward a copy of each audit report (as pertains to the employer licence) to the Board within 30 days of completion of each audit.

## 9.5 *Certification decision*

### 9.5.1 *General*

9.5.1.5 In certifying an employer licence holder's system of operation, the certification body certifies the employer's system of operation complies with section 115(1) (a) and (b) of the Act.

Note: The decision on granting an employer licence is the decision of the Board.

### 9.5.2 *Actions prior to making a decision*

J.9.5.2.1 In effecting clause 9.5.3 and 9.5.4, the certification body shall also be satisfied that the employer will at all times maintain a system of operation that:

- (a) complies with the requirements that are prescribed by the ESRs; and
- (b) is sufficient to ensure that the employees who do, or assist in doing, prescribed electrical work:
  - (i) are competent to carry out the range of work for which they are employed; and
  - (ii) receive the supervision and training necessary to ensure that the work:
    - (a) is carried out safely and competently; and
    - (b) that the work complies with the requirements of the Act and any regulations.
- (c) The employer has and maintains a manual referred to in ESR 94 (also refer to J.9.2.3.2.1 d) that complies with ESR 94(2); and
- (d) The procedures referred to in ESR (94) (1) (c) are being followed.

*[As required by ESR 95).*

## 9.6 Maintaining certification

### 9.6.4 *Special audits*

#### 9.6.4.2 Short-notice audits

Short notice audits may occur. However where such an audit might be relevant to, or overlap with, activity promulgated under section 123 of the Electricity Act 1992 then consultation with the Board is required.

### 9.6.5 *Suspending, withdrawing or reducing the scope of certification*

9.6.5.1.1 In the event of (a) or (b) below, the certification body shall determine, in consultation with the Board, any resulting impact on the certification provided. The impact could include suspending, withdrawing or reducing the scope of certification.

- (a) Section 115 of the Act enables the Board, in its consideration of an employer licence application, to impose any terms and conditions that the Board thinks fit (for example, by restricting the types of prescribed electrical work that may otherwise be done under the licence).
- (b) Section 120 of the Act enables the Board to cancel, suspend and take other actions in relation to an employer licence.

Note: Section 121 of the Act provides the employer licence holder an opportunity to make written submissions and to be heard on the intended Board actions.

## **10. Management system requirements for certification bodies**

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*No additional requirements*

## Form of Initial Certificate from an Approved Person

<b>Certificate from an Approved Person under Regulations 94 and 95 of the Electrical (Safety) Regulations 2010 (the Regulations)</b>	
<b>Approved Person's Details</b>	
Approved Persons Name	
Business Address	
Postal Address	
Phone	
Email	
<b>Employer Licence Applicant's Details</b>	
Applicants Name	
Business Address	
Postal Address	
Phone	
Email	
<b>Prescribed Electrical Work Limits</b>	
Types of prescribed electrical work to be undertaken	
Geographic areas where the prescribed electrical work will be undertaken	
<b>Employer Licence Certification Under Regulation 51</b>	
<p><b>I hereby certify that:</b></p> <ul style="list-style-type: none"> <li>• <b>I have made enquiry of the applicant as per the Scheme and am satisfied that the applicant has in place a system of operation that will meet the requirements of regulation 94(1);</b></li> <li>• <b>I have viewed the required employer licence holder manual and it is fit for purpose and contains all the required information which must be maintained by the holder of an employer licence as set out in regulation 94(2); and</b></li> <li>• <b>My audit report detailing the above matters is attached.</b></li> </ul>	
Dated:	Signed by the Applicant:

## Form of Annual Certificate from an Approved Person

<b>Certificate from an Approved Person under Regulations 94 and 95 of the Electrical (Safety) Regulations 2010 (the Regulations)</b>	
<b>Approved Person's Details</b>	
Approved Persons Name	
Business Address	
Postal Address	
Phone	
Email	
<b>Employer Licence Holders Details</b>	
Holders Name	
Business Address	
Postal Address	
Phone	
Email	
<b>Prescribed Electrical Work Limits</b>	
Types of prescribed electrical work being undertaken	
Geographic areas where the prescribed electrical work is carried out	
<b>Employer Licence Certification Under Regulation 51</b>	
<p><b>I hereby certify that:</b></p> <ul style="list-style-type: none"> <li>• <b>I have made enquiry of the applicant as per the Scheme and am satisfied that the applicant has in place a system of operation that will meet the requirements of regulation 94(1);</b></li> <li>• <b>I have viewed the required employer licence holder manual and it is fit for purpose and contains all the required information which must be maintained by the holder of an employer licence as set out in regulation 94(2); and</b></li> <li>• <b>My audit report detailing the above matters is attached.</b></li> </ul>	
Dated:	Signed by the Applicant:

# EMPLOYER LICENCE

Issued by the Electrical Workers Registration Board  
under section 115 of the Electricity Act 1992

[Name of Applicant Company]

Is hereby authorised to carry out the following prescribed electrical work  
subject to the conditions stated herein:

[Types of Prescribed Electrical Work]

[Where the Work can be carried out]

[Other conditions imposed]

Until [date] or this Employer Licence is suspended or cancelled by the Board in accordance with the  
Act.

Issued this      day of      20      by

[Name]  
Registrar  
Electrical Workers Registration Board

## Schedules

### Legislation: Electricity Act 1992

#### 115 Employer licence

- (1) A person is, on application in the prescribed form (if any) and on payment of the prescribed fee (if any), entitled to be issued with an employer licence by the Board if the person satisfies the Board that the person will at all times maintain a system of operation—
  - (a) that complies with the requirements that are prescribed by regulations; and
  - (b) that is sufficient to ensure that employees of that person who do, or assist in doing, prescribed electrical work—
    - (i) are competent to carry out the range of work for which they are employed; and
    - (ii) receive the supervision and training that is necessary to ensure that the work—
      - (A) is carried out safely and competently; and
      - (B) complies with the requirements of this Act and any regulations.
- (2) However, a person is not entitled to be issued with an employer licence if the person is precluded from holding an employer licence because of any action taken by the Board under section 120.
- (3) The Board may impose in respect of any employer licence issued under this section any terms and conditions that the Board thinks fit (for example, by restricting the types of prescribed electrical work that may otherwise be done under the licence).

#### 116 Requirements treated as satisfied if person obtains certification from approved person

- (1) A person must be treated as maintaining a system of operation described in section 115(1)(a) and (b) if an approved person, in the prescribed manner, certifies that the system of operation complies with those provisions, and issues a certificate to that effect in the prescribed form.
- (2) A certification under subsection (1) ceases to have effect if—
  - (a) the approved person, by notice in writing to the certificate holder, revokes the certificate; or
  - (b) the term of the certification comes to an end.
- (3) For the purposes of this section, approved person means—
  - (a) a person designated by regulations as an approved person;
  - (b) a member of a class of persons designated by regulations as a class of approved persons.

#### 117 Prescribed electrical work may be done under employer licence

- (1) An employer licence authorises the licence holder to authorise any employee of that person to do, or assist in doing, any prescribed electrical work.
- (2) Any authority given under an employer licence to any person to do, or assist in doing, any prescribed electrical work is sufficient authority for the person so authorised to do or, as the case may be, assist in doing that work.
- (3) This section is subject to the terms and conditions imposed under section 115 and to any regulations.

#### 118 Duration of employer licence

An employer licence, unless it is sooner cancelled or suspended, is in force for the period (not exceeding 5 years) that is specified in the licence, and comes into force on the date of its issue.

#### 119 Renewal of employer licence

- (1) Every employer licence, unless it has been cancelled, may from time to time be renewed in accordance with this section.
- (2) An application for the renewal of an employer licence must—
  - (a) be sent or delivered to the Registrar; and

- (b) be in the prescribed form or, if there is no prescribed form, in the form required by the Board; and
  - (c) contain, or be accompanied by, the information and documentation required by the Board; and
  - (d) be accompanied by the prescribed fee (if any).
- (3) The Registrar must refer any application received by the Registrar under subsection (2) to the Board for consideration under this section.
- (4) On receiving an application under subsection (3), the Board may renew the employer licence to which the application relates for the period (not exceeding 5 years) that the Board thinks fit.
- (5) However, the Board must not renew an employer licence unless the Board is satisfied that the applicant meets all the requirements for the issue of an employer licence.
- (6) If an application for the renewal of an employer licence has been made but not dealt with before the licence expires, the licence continues in force until the application is dealt with by the Board, and any renewal in that case must take effect from the date on which the licence would (but for the renewal) have expired.

#### 120 Cancellation, suspension, and other actions in relation to employer licences

- (1) The Board may (in relation to a matter raised by a complaint or by its own inquiries) take any of the actions referred to in subsection (2) in relation to an employer licence if it is satisfied that the employer licence holder—
- (a) obtained the licence by making a false or misleading representation or declaration (whether oral or written); or
  - (b) was not entitled to be issued with an employer licence; or
  - (c) no longer meets all the requirements for the issue of an employer licence; or
  - (d) has failed to comply with any term or condition imposed by the Board in respect of that licence; or
  - (e) has failed to ensure that the prescribed electrical work done by employees of that person—
    - (i) is at all times carried out safely and competently; and
    - (ii) complies with the requirements of this Act and any regulations.
- (2) In any case to which subsection (1) applies, the Board may—
- (a) do both of the following things:
    - (i) order that the employer licence be cancelled; and
    - (ii) order that the employer licence holder may not apply to be issued with an employer licence before the expiry of a specified period:
  - (b) order that the employer licence be suspended—
    - (i) for any period that the Board thinks fit; or
    - (ii) until the employer licence holder does any things that the Board may specify (for example, reviewing and improving safety procedures):
  - (c) order that the employer licence be restricted, for any period that the Board thinks fit, by limiting the prescribed electrical work that the employer licence holder may authorise an employee to do, or assist in doing, to the work that the Board may specify, and in imposing a limitation of this type the Board may also impose limitations on the circumstances in which an employee may do, or assist in doing, that work:
  - (d) order the employer licence holder to pay a fine not exceeding \$50,000:
  - (e) order that the employer licence holder be censured:
  - (f) make no order under this subsection.
- (3) The Board may take only 1 type of action in subsection (2) in relation to a case, except that it may impose a fine under subsection (2)(d) in addition to taking the action under subsection (2)(b), (c), or (e).
- (4) No fine may be imposed under subsection (2)(d) in relation to an act or omission that constitutes an—

- (a) offence for which the person has been convicted by a court; or
  - (b) infringement offence for which the person has been issued with an infringement notice and has paid an infringement fee.
- (5) The Board may take an action under this section whether or not the person is still an employer licence holder.

#### 121 Board must give employer licence holder reasonable opportunity to be heard

The Board must not take any of the actions referred to in section 120 unless it has first—

- (a) informed the employer licence holder concerned as to why it may take any of those actions; and
- (b) given that person a reasonable opportunity to make written submissions and be heard on the question, either personally or by that person's representative.

#### 122 Miscellaneous provisions concerning actions under section 120

- (1) Every fine imposed under section 120 is recoverable in any court of competent jurisdiction as a debt due to the Board.
- (2) An order under section 120 takes effect on the day of the making of the order; but that fact does not make any person concerned liable to prosecution or disciplinary proceedings for any act done or omitted during any part of that day before the order was made.
- (3) If a person's employer licence is suspended, the person is not authorised under section 117 for the period for which the licence is suspended.
- (4) At the end of a period of suspension, the person's employer licence is immediately revived (unless there is some other ground to suspend or cancel that person's employer licence).

#### 123 Powers of inspection

- (1) Every employer licence is subject to a condition that—
  - (a) any person authorised by the Board for the purpose may, for an authorised purpose, at any reasonable time, inspect any premises (not being a dwellinghouse) occupied by the employer licence holder, and for that purpose may enter and re-enter any place:
  - (b) the Board may, for an authorised purpose,—
    - (i) require the employer licence holder to produce for inspection, within any reasonable period that the Board may specify, any document or class of document in the possession or under the control of the employer licence holder, and may take copies of, or extracts from, any of those documents:
    - (ii) require the employer licence holder to provide, within any reasonable period that the Board may specify, any information or class of information that the Board may require.
- (2) If the employer licence holder breaches a condition expressed in subsection (1), the Board may act under section 120.
- (3) A person must give to the employer licence holder reasonable notice of that person's intention to enter any premises under subsection (1)(a), unless the giving of the notice would defeat the purpose of the entry.
- (4) Every person must, on entering any premises under subsection (1)(a), and when requested at any subsequent time, produce—
  - (a) evidence of that person's authority to enter the premises; and
  - (b) evidence of that person's identity.
- (5) The following are **authorised purposes** for the purposes of this section:
  - (a) the purpose of ensuring compliance with the terms and conditions of the employer licence:
  - (b) the purpose of ensuring that the prescribed electrical work done by employees of the employer licence holder—
    - (i) is at all times carried out safely and competently; and
    - (ii) complies with the requirements of this Act and any regulations.

## Electricity (Safety) Regulations 2010

4. accredited auditor means any of the following bodies:
- (a) a body accredited by either of the following to assess an organisation's compliance with these regulations and safety management systems generally:
    - (i) the Joint Accreditation System of Australia and New Zealand;
    - (ii) a signatory to the International Accreditation Forum multilateral recognition arrangement for management systems;
  - (b) a body approved, by or under an international agreement between New Zealand and another country that does not have a national accreditation body that is a signatory to the International Accreditation Forum multilateral recognition arrangement for management systems, to assess an organisation's compliance with these regulations and safety management systems generally.

### 94 Requirements for system of operation of holders of employer licences

- (1) For the purposes of section 115(1)(a) of the Act, the requirements for the system of operation that must be maintained by the holder of an employer licence are that the holder—
- (a) identifies the prescribed electrical work (**identified prescribed electrical work**) that will be undertaken under the licence; and
  - (b) identifies the skills and training required in order to carry out each kind of identified prescribed electrical work; and
  - (c) has in place procedures for each of the following:
    - (i) carrying out, supervising, and monitoring the identified prescribed electrical work;
    - (ii) investigating injuries caused to persons, and damage caused to property, as a result of carrying out any identified prescribed electrical work;
    - (iii) taking action to prevent, and in response to, injuries to persons or damage to property that results from carrying out the identified prescribed electrical work; and
  - (d) maintains a manual that sets out the matters listed in subclause (2).
- (2) The manual referred to in subclause (1)(d) must set out—
- (a) all the matters referred to in subclause (1)(a) to (c); and
  - (b) the names of every employee of the holder who is to carry out identified prescribed electrical work, along with a description of the identified prescribed electrical work that each employee is trained, and has the skills, to do; and
  - (c) the location and address of each place of work from which the holder of the licence operates, and that is intended to be covered by the licence; and
  - (d) a contact person for the licence, who must be an employee of the holder, identified by name or position.

### 95 Certification of system of operation

- (1) For the purposes of section 116(1) of the Act, an approved person may certify a system of operation if the approved person is satisfied that—
- (a) the system of operation is sufficient to ensure that the employer's employees who do, or assist in doing, prescribed electrical work—
    - (i) are competent to carry out the range of work for which they are employed; and
    - (ii) receive the supervision and training necessary to ensure that the work is carried out safely and competently, and that the work complies with the requirements of the Act and these regulations; and
  - (b) the employer has and maintains a manual referred to in regulation 94(1)(d) that complies with regulation 94(2); and
  - (c) the procedures referred to in regulation 94(1)(c) are being followed.
- (2) The form of the certificate may be prescribed by the Board.

## 96 Approved persons

- (1) For the purposes of section 116(3) of the Act, the class of persons designated as approved persons is the class of persons whose names appear on a list, maintained by the Board, [of persons who]—
  - [(a) are accredited auditors; and]
  - (b) satisfy the Board that they are capable of certifying whether a system of operation complies with section 115(1)(a) and (b) of the Act.
- (2) The Board may remove from the list the name of any person who the Board is satisfied does not meet the requirements of subclause (1) and must give written notice to the person concerned.
- (3) Until the date that is 6 months after the date on which this regulation comes into force, the list must include the name of every person who applies (whether before or after this regulation comes into force) to have his or her name on the list and who satisfies paragraph (a) of subclause (1); but after that date, the list may contain only the names of people who satisfy both paragraph (a) and paragraph (b) of subclause (1).