

**Submission to Independent Health and Safety Taskforce.
26 November 2012**

Answers to the About You section

- 1.
2. Individual
3. Wellington
4. Employee
- 5.
6. 100+ employees
7. Male
8. 25-34
9. Asian
- 10.
11. I consent to submission being placed on website, but would like my name and employer name **withheld** from publication.

Introduction

My name is _____ and I am currently a health and safety representative at my current employment. These are my own personal views, but they are informed by my experiences so far as an employee, as well as my other roles and responsibilities I have been involved with previously as a student, a student representative, and employee at other times.

I also participated in the consultation fono with younger health and safety representatives, held in Lower Hutt.

Overall approach

There is a clear moral and practical case for stronger government regulation in health and safety. My submissions to the questions below flow from this premise.

The essential principles of this review should be that:

- nobody should be injured, harmed, or killed because of the work they are in
- health and safety is a necessity for all people, not just a compliance cost;
- government's role is to protect all people and empower them to take responsibility.

Health and safety is one of the many policy intersections where we see the classic divide between the interests of capital and of labour. Considerations of the welfare of people inside businesses are often sidelined if the profit maximising motives of business are not sufficiently restrained.

It is often said that New Zealand's health and safety system should be 'fit for purpose' – but for whose purpose? Fit for the purpose of protecting shareholders and employer's interest, or fit for the purpose of protecting workers and the general welfare? I believe that in this situation, protecting people is more important than protecting profits.

We know that many businesses which see the benefits of investment may not go ahead simply because of a lack of sufficient short-term return.

This short-sighted approach, combined with the current situation of 'light' regulation (or relatively hands-off regulation and/or self-regulation) is clearly unsatisfactory.

The main parties (government and business) chiefly responsible for the system's formation, maintenance, and operation need to step up to their full and proper responsibilities. 'Blaming the worker' just doesn't cut it anymore.

Our health and safety system and culture can definitely improve over time. The solution is 'light-handed' regulation which is rigorous and effectively enforced.

'Light-handed' regulation (as opposed to 'light' regulation) combines strong effective universal protections with the freedom for all parties involved to innovate and cooperate to ensure the required positive outcomes.

Therefore, I believe the best approach for New Zealand's future health and safety system is to have

- stronger minimum requirements and a graduated approach;
- effective government assistance to help employers and employees meet and know their responsibilities; and
- effective employee participation and tripartite arrangements so that government, employees, and employers all work together to achieve better outcomes for all.

Response to particular questions

Q1 – Younger workers are most at risk, since they are new to the employment situation, likely to simply go along with the existing culture or instructions even if they are inadequate, and are more vulnerable to the inherent power relationship between themselves and their employers/managers.

They would also likely to have insufficient knowledge or bargaining power to know what might be wrong and what to do about it. Employees, especially younger ones, are reliant on their employer to exercise their proper responsibility – however this does not always happen.

Q2 - Higher minimum requirements on employers to exercise proper responsibility, coupled with greater government oversight and assistance to make sure this happens.

Q4 - We need

- higher standards across the board, as stated in paragraph 72
- a graduated approach stated in paragraph 75, with higher risk industries having greater supervision and assistance, as well as penalties for falling short.
- greater prescriptive advice, as stated in paragraph 83
- a legislative presumption in favour of health and safety, as stated in paragraph 88
- stronger provision for employee participation
- stronger health and safety requirements in the duties of directors and managers

Q6 – We need a standalone health and safety regulatory agency. Current roles are spread over too many agencies, leading to fragmentation and unclear responsibilities.

Funding should be increased for health and safety regulation anyway, but even consolidation within existing funding baselines would assist with better regulation, and clearer exercise of the powers needed to protect people.

A shared services model for this new agency would assist if funding is tight (such as arrangements for the Productivity Commission). This should not be subsumed into a larger ministry or department – this was arguably part of the problem in the first place.

Q7 – Health and safety sits alongside other employment and work issues.

Growing casualisation and deunionisation, as well as low levels of literacy and numeracy are key contextual factors. Workers that are already vulnerable and at the ‘bottom of the ladder’ are more likely to be vulnerable to health and safety issues.

Q9 and Q10 - Employees and workers should of course be responsible, but they cant be if not adequately trained to know or be aware of issues, if the systems are not in place to allow this to happen, or if employers simply dont take their proper duty of care seriously.

Worker participation should be increased because employee buy-in is necessary if we are to change the culture and outcomes of a workplace. More health and safety training would help increase awareness of workers’ rights and the need for participation.

In general, I would support the suggestions of the CTU and other trade unions in what can be done specifically to increase worker participation.

Q11 – Directors and managers are supposed to be ultimately responsible for their companies and everything that falls within this domain, including ‘human resources.’ However, there seems to be a culture of ‘blame the worker’ at some enterprises and very little effective business leadership in this area.

The current system, combined with poor workplace cultures, and New Zealand’s poor quality of managers, leads to many of the issues identified in the ‘Leadership and Governance’ section.

Q12 – It is quite clear that the current system does not drive the right behaviours – incentives without penalties will not suffice, and the weak status quo is not acceptable either.

A mix of ‘soft’ and ‘hard’ levers can be used to increase their participation. At the very least, business must be incentivised and required to play a much larger part if the current employer-focused framework is to continue

Setting up forums, and sharing of good practice helps somewhat, but this needs to be accompanied by stronger legislative requirements, operational requirements, and effective penalties on company managers and directors.

I would also support suggestions that the CTU and other unions may have in this area.

Q13 – Most firms probably need reminders and constant guidance to access the resources that are available to them now. More proactive promotion through business networks may help with this. Most firms would not have the capacity to manage these issues independently.

Q14 – Options include funding more health and safety training, and making it a business requirement to do it at least once a year or every two years. Perhaps this new requirement could start out as a way towards businesses being certified as ‘positive places for health and safety’ but over time putting this in as a requirement for all businesses.

Q17 – Unsuccessful. For example, I consider myself a bit of a politics and policy junkie, but I have never heard of the Health and Safety Council, Strategy, or Action Plan until I read the Taskforce discussion document. The ACC TV ads are the only thing that I would recall recently regarding health and safety.

Q18 – I strongly support using government procurement levers as a good place to start. This would create a positive flow on effect onto other businesses, and raise expectations.

Signals that are tied to funding are highly effective in shaping behaviour. Incentives and persuasion (even moral suasion) by themselves are not.

I also make the suggestion of a ‘Health and Safety Month’ detailed under question 28.

Q 23 and 24 – SMEs contain the vast majority of NZ’s workers, and by extension those workers may be in a more vulnerable position if those businesses are not well equipped or well disposed towards health and safety. We cannot afford to leave these business relatively unregulated and unassisted. They need to be covered under higher requirements and assistance as I submit under questions 2 and 4, but this should also be complemented with the approach stated in paragraph 272.

Q28 – We should assume that health and safety has a low to negligible profile, and a negative one at that. Right now, health and safety is something we all take for granted, and is full of assumptions – mainly the assumption that someone else has it covered. It is something we sometimes think of, wrongly, as ‘nice to have’ rather than a ‘need to have.’

Fortunately, culture and behaviours can be ‘nudged’ or changed over time, as stated in paragraph 306. Campaigns can play a part, such as the ‘Its Not OK’ campaign and White Ribbon campaigns.

I think a ‘Health and Safety Month’ similar in nature to NZ Music Month or Maori Language Week would work well to rebrand and reframe the issues, and to raise awareness.

It should be possible to deploy a successful multi-faceted approach that makes people realise that health and safety goes to the heart of everyday life at work. This means we should draw on past good practice, the previously stated examples, as well as the right consumer, psychological, and marketing research

Q29 – Low literacy and numeracy is a continued contextual factor. Continued government efforts to lift skills in this area will help over time.