



CONSTRUCTION SAFETY COUNCIL

SUBMISSION TO THE INDEPENDENT TASKFORCE ON WORKPLACE HEALTH AND SAFETY

November 2012

Safer Workplaces
(Consultation Document)

Introductory comments

In 2010 the Chief Executives and President's of Registered Master Builders Federation Certified Builders Association New Zealand, Roothing New Zealand, New Zealand Specialist Trade Contractors Federation and New Zealand Contractors Federation came together for the first time and developed a health & safety strategy for the construction sector. This strategy covers civil, residential & commercial construction and specialist trades and included the establishment of the Construction Safety Council (CSC).

At the high level the CSC represents those responsible for complying with health and safety and acts as an interface with Government on the one hand and providers/trainers on the other. It promotes the development of appropriate, cost effective and practical health and safety standards and the recognition of health and safety providers/trainers and training programs.

VISION

Health and safety is worth the effort.

MISSION

The CSC will work collaboratively as one industry to make our construction sites safer. It will strive to make health and safety an integral part of working on a construction site and increase industry productivity by working safely.

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Introduction

The CSC is pleased the Government has established an Independent Taskforce to investigate and improve Workplace Health and Safety. We have provided our thoughts and comments where necessary and trust you find this feedback of benefit.

It is interesting to note that many of the themes and issues the Taskforce has developed align closely with those already identified by the CSC and reflected in the CSC strategy. Consequently, in addition to providing a response to the Task Forces questions our submission explains the CSC strategy and the issues and initiatives designed to improve health and safety performance in the construction sector. We feel that this will be useful in helping the Taskforce to obtain an overall picture of matters affecting construction as seen by key industry organizations within the sector.

You will be well aware the bulk of the construction sector has poor productivity and a joint Government/Sector Productivity Partnership has been established to improve performance in this area. Health and safety cannot be compromised in the sector's effort to increase productivity but improved health and safety performance will contribute to improved productivity particularly when over 90% of building construction firms have less than 5-6 workers. Good strides have been made over the last 20 years in construction but greater gains are required if we are to improve further.

We are happy to provide the Taskforce with any further information and to discuss any aspects of our submission.

ENDS

Overview

We have commented below on each of the questions the Taskforce has posed based on the CSC strategy and feedback from CSC members. The CSC strategy is set out after our response to the Task Force questions in support of our response.

Who gets hurt, killed or suffers from ill-health or disease as a result of work?

Q1. What do you think is driving the differences in health and safety outcomes for different demographic groups?

- Those industries with the highest injury rates appear to be the industries which display the following characteristics:-
 - a. Involve the highest levels of danger in many tasks.
 - b. Have a large proportion of constantly changing work places.
 - c. Have a high level of lowly paid positions.
 - d. Often have the lowest levels of literacy, language and communication skill
 - e. Have a higher proportion of people with English as a second language.
 - f. Are often at greatest risk of job loss so don't complain at unsafe practise.
 - g. Have a history of boom/bust cycles resulting in H & S skills been stripped from the industry followed by a H & S Skills shortage during the boom period
 - h. Have a history of drug and alcohol abuse
- Older workers are problematic because they become de- sensitized to H & S risk and are the most difficult to change given ingrained habits.
- Pressure of work can contribute to an unsafe gung-ho approach particularly by those untrained in H&S or consequences of unsafe practices.
- Small self employed firms and SMEs are also groups who generally tend to be cost focussed and can be reluctant to put any effort into H&S because of a lack of consequences.

Q2. What changes are needed to the workplace health and safety framework to improve outcomes for demographic groups with higher than average rates of injury and illness?

In addition to the CSC initiatives relating to:

- Introducing a tiered competency framework
- Greater consistency and coverage across the sector
- Introducing simplified workplace tools to cater for a diversified work force

We would also suggest the Taskforce considers:

- Mandating the achievement of Industry developed H & S competencies by workers in medium- high risk industries
- Hold a public awareness H & S campaign similar to the “ Don’t Drink Drive” “non smoking” and “Girls can do Anything” campaigns
- Improving the literacy and language skill outcomes of the Education Sector
- Mandate random workplace drug and alcohol testing for medium- high risk industries
- Targeted training of supervisors and managers to cater for such demographics
- Introducing skilled roving moderators
- Standardisation of terminology
- Standardised H&S expectations on site
- Greater worker health awareness. Employers need to take responsibility for ensuring that their workers are fit and able for the tasks assigned to them, and empowered to act if they are not.

Regulatory framework

3. What do you think the challenges are with the current health and safety regulatory framework?

In addition to the CSC comments relating to:

- Improved data collection and dissemination
- Greater awareness of H&S consequences,
- Improved regulatory fairness and consistency
- Rationalising the current standards and guidelines into a comprehensive set

The CSC comments as follows:

- The CSC generally supports the Robens philosophy and believes a balanced Government/ industry approach is best in the long run. Having the ability to respond quickly to H&S matters through lower levels of Government intervention is preferable to prescriptive legislation, however this requires all parties to understand their functions and have the capacity and capability to carry out their roles.
- Current challenges in this area relate to:
 - The absence of a clear regulatory intervention logic framework for all to work within
 - The regulator not understanding where their role ends and industry’s begins. We suggest that a more prescriptive approach may be needed initially because of the number of SMEs in the sector but that the Regulator needs to collaborate with industry to develop this approach through the support of industry self governance.

- A lack of resources on both sides to implement (ie develop codes of practice, standards, guidelines etc) properly
- The conversion of regulatory policy into practice on the ground.
- Perhaps the biggest challenge is the lack of proactive leadership by the Regulator in ensuring construction sector clients value H & S when awarding construction contracts through their procurement processes. The sector often finds a lack of alignment in H & S values/culture between those contractors and builders committed to H & S and construction clients not wanting to know or value it.

4. How do you think the health and safety regulatory framework could be improved?

In addition to addressing those items mention above the CSC suggests:

- An obligation on the regulator to be more proactive in education ,training and Government procurement
- Formalising the risk analysis of duty holders, though we caution against bureaucracy for the sake of it and a balanced approach is necessary
- NZ adopts the following elements of the new Australian Model H & S legislation because of incentives it places on Principals (clients) to manage key H & S risks. This view is based on feedback from the Australian Asphalt Pavements Association's (AAPA) following early indications of changes in Principals' (clients) behaviour resulting from the following elements of the new Model legislation.
 - Moving away from the employer/worker definition to "the Person Conducting a Business or Undertaking"
 - Introducing the requirement for consultation, co operation and coordination
 - Introducing due diligence for officers
 - Strengthening the personal liability on workers
- We also support the following Pike River recommendations because we believe that they will ensure construction sector Principals/clients value H & S when awarding construction contracts through their procurement processes
 - Replacing "all practicable steps" with standards
 - The Regulator to develop in coloboration with industry a CoP for Directors regarding H & S
 - The Regulator to develop in coloboration with industry a CoP for Managers regarding H & S
 - Increased worker participation
 - The Regulator to collaborate more
- Making Safety in Design a legal requirement as it is in other countries because of its proactive approach to improving safety on construction sites

- We agree with paragraph 75 of the document, and suggest that regulatory enforcement should be tempered by the employer's efforts to comply.
- The framework should encourage the development of a safety culture in the workplace.

Regulators' roles and responsibilities

5. How effective are the regulators in influencing workplace health and safety outcomes?

- In the construction sector the influence of the regulator has not been a significant contributor to performance improvement. The Commercial constructors have essentially taken control of H&S themselves and forced improved H&S practices through their work sites. This is not so in the residential space which is characterised by thousands of SME many of which are difficult to reach. [Note: In the early 2000s Roadking New Zealand positively influenced workplace health and safety in the roading sector using industry self governance through Operate Safe. This independent accreditation process significantly improved H & S performance through the uptake of H & S externally audited systems, the application of industry specific hazard controls and the H & S competency improvement of around 11,000 employees through industry induction courses and H & S qualifications for operators and supervisors. Even though Operate Safe is no longer operating these improvements still remain in the industry].
- Consequently H&S performance in this space has been poor and was a key catalyst for the CSC establishment. The regulators have had little influence and perhaps too much reliance has been placed on the businesses doing the right thing voluntarily. It is only recently, with the launch of the falls from heights campaign that any significant influences are being observed.
- Even though the Regulator has developed "A Principal's Guide to Contracting to meet the Health and Safety in Employment Act 1992" it has not been very influential in having this Guide adopted.
- Too often, enforcement action appears to be focussed on major businesses, perhaps in pursuit of "trophy" prosecutions. Major businesses could be allies in a process of change in other workplaces, and could be used effectively to assist the regulators to improve industry-wide H&S performance. Many CEOs of big business are committed to safety, and this leadership could be better leveraged by the regulators.

6. How could the regulators' roles and responsibilities be changed to improve their effectiveness in influencing workplace health and safety outcomes?

- The successive changes from OSH – Labour Dept – MBIE have lost the Brand Awareness in relation to H+S in most NZer's minds. With the reduction in this Brand Awareness there is a reduced perception that "NZ Inc" and indeed the country's leaders care about H+S in workplaces.
- It seems that generally OSH and Labour Dept have progressively pulled back from the wider functions (s 30) such as "to help employers, employees, and other persons improve safety at places of work, by providing information and education" and concentrated on taking a penalty approach to infringements.
- Over time this concentration resulted in only breaches of the Act that were high profile and involving large employers being actioned by OSH – Labour Dept. (ie s 2A (1) (d) and (e) pretty much were ignored). In practice the only time most NZer's see any action that OSH, Labour Dept, MBIE have taken is when there has been a serious workplace accident that has been prosecuted and reported on in the media.
- It is well documented that people systematically underestimate what they perceive to be low probability and high consequence events, thus today when they hear about OSH – Labour Dept prosecutions, so when they see these prosecutions in the media:
 - Employers think, – "It would be terrible if it happened, but something similar is really unlikely so I don't have to worry too much right now – perhaps when I've got time....."
 - Public and employees think, - "It was pretty obvious event, the employer got caught and fined. We don't do things like that at work - so why worry"
- The "All Practicable Steps" (s 2) approach of The Act, combined with OSH and Labour Dept approach that focused on post workplace accident action (ie an after event focus and with a fairly apparent propensity to only take prosecutions when the legal conditions favour a winning outcome in court) does not distinguish between employers that did not try very hard to manage H+S well and those who try hard but have a low probability event occur or a mistake happen to cause a serious accident.
- To overcome this issue there needs to be a regulatory body that is:
 - Resourced and held to account for its performance to ensure that it undertakes its wider functions and undertake; education, workplace inspections and H+S system audits before accidents happen. (This is consistent with modern workplace safety practice that focuses on doing the right things and measuring leading indicators – not just post incident statistics).
 - Prepared to investigate the risk management decisions that employers necessarily take to H+S matters.
 - Active in the SME part of NZ's employment scene.

- Incorporate a performance based element (that incidentally, was intended within the original 1992 Act).
- The CSC is unsure whether the creation of a single H&S agency is beneficial. Having H & S residing in areas where it forms part of a wider landscape and is critical to other enterprises such as CAA, MNZ, Environment etc is advantageous to avoid a single focus. On the other hand, the creation of a H&S Agency has the benefit of sending a very strong signal to the market on just how seriously Government considers H&S.
- CSC is certain whether centralised or not greater resources and powers are required for the regulator to perform adequately.
- Regarding the Regulator's competencies we believe that NZ should adopt international best practice. This would mean that all H&S inspectors should be required to do the IOSH international, NZSC diploma or equivalent qualified, so they can understand what skills and knowledge professional H&S manager has. This should then assist H&S inspectors to investigate appropriate root causes and attribute / apportion events to the correct parties
- A partnership approach with industry leaders should also be adopted

New Zealand's changing workforce and work arrangements

7. What impacts are New Zealand's changing workforce and work arrangements having on health and safety outcomes?

- There are changes that have emerged in construction during the last two decades:-
 - The older workforce has increased the average age of the workforce.
 - A contractor based transient labour market has developed
 - A loss of skilled workers to Australia
 - Migrant workers are often cheap labour from countries where workplace H&S practises are unacceptable in the NZ workplace environment.
 - English is now often a second language
- Since the HSE Act was introduced in 1992 Employers have been given more freedom and flexibility in options for employment of labour but with the freedom comes greater responsibility for the welfare and training of their workforce. Regrettably that responsibility has not always been fulfilled by many employers, especially those in the SME's and owner operators. This has resulted in:-
 - Poor or no H&S training
 - Poor H&S management and supervision
 - Often poor H&S communication between employer & employees.
 - Reduced knowledge and skills relating to H&S in the workforce.
 - Declined union influence in industry has left workers in many smaller work places without a voice and at risk.

8. What changes to the health and safety framework, if any, are needed as a result of the changing workforce and work arrangements?

The CSC has already identified within its strategy:

- The need for H&S competency framework
- Simple worker tools to assist workers to easily understand H&S practices
- Comprehensiveness of material and wide coverage of the workforce

The CSC also recommends:

- increasing of inspectorate resources (mentioned above) on targeted high risk worksites
- potential changes to duty holders may help reinforce responsibilities

Worker participation and engagement

9. How effective do you think worker participation is in improving workplace health and safety in New Zealand?

The CSC believes that worker participation in health & safety has not been as effective as it could have been due to:

- the poor H&S culture of some employers
- the employer/employee power relationship can make it difficult for the employee to raise concerns
- a lack of understanding regarding roles and responsibilities across the work site
- The unions' involvement in worker participation needs to be questioned because of their preventative approach to random drug testing in the workplace.
- Worker participation is fundamental to improving H&S outcomes. A workplace culture of fair treatment, transparency and reporting of incidents is essential for worker participation. It has been well documented that employers who strive to build these cultures in their workplaces will improve safety outcomes by learning from their mistakes (near-misses).
- The construction sector in NZ does not have a high level of union participation, and implementing regimes that require union-appointed H&S representatives (as have been recently suggested in other sectors) would have a detrimental effect on existing employer/employee relationships
- Effective H&S representatives on construction sites are important to ensure that workers are engaged in the processes of hazard identification and mitigation, but we do not believe that such representatives with the skills and experience needed are necessarily union members.

10. What improvements can be made to worker participation in workplace health and safety so as to get better workplace health and safety outcomes?

- The success of effective worker participation can be enhanced by employers management being trained in H&S management so they are equally knowledgeable and able to effectively lead with the employee representatives in changing the H&S culture of the business together.
- We recommend that the current requirement for all organisations with a staff of over 20 to have an H & S rep be extended to cover all organisations with a staff of over 10. We suggest this because 63% of construction workers work for organisations of less than 20 people and these organisations typically have no union involvement and little commitment to H & S resulting in minimal worker participation.
- The CSC considers its proposed tiered H&S competency framework will go some way towards providing understanding of the importance of worker participation particular if this forms part of the training curriculum at each tier.
- Where there is an employee representative they must have the respect, rapport and trust of both employees and management to achieve an improvement in health & safety culture within the workforce and management. It is not possible for an employee to be effective unless they have influence with both the employees and the managers.
- Some employers complain of worker apathy when it comes to participation in safety. However, CSC believes there is opportunity to leverage NZ's unique culture to improve worker participation. NZ's culture is one of "teams" rather than individuals, and workers will respond more effectively if they are given opportunity to contribute in non-threatening small groups. This applies particularly to Maori and Pacific Island workers who are brought up in an environment where speaking up in front of elders is discouraged.
- Employers have responsibility for their contractors and labour hire workers, and they must be alert to the additional risks that are introduced by using workers who attend their site only irregularly, and for short durations.

Leadership and governance

11. To what extent do directors and other senior leaders provide effective leadership and governance of workplace health and safety?

- Many large businesses use their capacity and capability to incorporate greater levels of H&S leadership within their management structures, just as they are able to allocate resources to other business needs such as HR, Finance etc. These skills are often absent in SMEs in construction as many business owners do not have the knowledge or understanding to discharge their responsibilities. Indeed

SMEs in construction need a framework to operate in and that is what the CSC H&S Competency framework is partly designed to address

- At the governance level, the governance structure for smaller organisations (less than 20 employees) is not as robust/professional as that for larger organizations which will normally have a Board. This often results in a lack of recognition of legal and risk issues such as H & S.

12. What improvements can be made to directors' and other leaders' participation in workplace health and safety, so as to get better workplace health and safety outcomes?

- The CSC has developed tiered competency framework for employees, supervisors and management but the commitment at present is reliant on the commitment of a few without significant financial backing. Greater financial support is required.
- Providing appropriate incentives and penalties while making a greater use of industry associations and their ability to influence and train their members by resourcing them appropriately. The CSC is a case in point as it is limited by funding and resources and a small investment to establish a Government/Industry partnership will go a long way towards making a difference.
- Guidelines or Codes of Practice for Directors and Leaders would greatly assist in making those in Governance roles aware of their duties and responsibilities.
- While there is clearly a case for tougher penalties for directors and leaders who fail in their responsibilities (Pike River), there is equally room for shared learnings from leaders who take their responsibilities seriously.

Capacity and capability of the workplace health and safety system

13. To what extent do firms have the capacity and capability to effectively manage workplace health and safety issues (including through accessing external resources)?

and

14. What options are there for improving firm level capacity and capability to deliver better health and safety outcomes?

- See our responses and suggestions made earlier.

Incentives

15. How effective are existing financial and non-financial incentives in improving workplace health and safety outcomes?

and

16. How could incentives be better used to improve workplace health and safety outcomes?

- The CSC has provided its thoughts on incentives as part of its strategy document.
- For the construction sector the most effective and most powerful incentive tool is the procurement process, assuming clients are committed to valuing H & S.
- Incentives for organisations committed to Industry Self Governance, developed in collaboration with the Regulator, would also improve H & S.
- Incentives should be directed at ensuring that employers introduce and maintain systems and processes for managing H&S, rather than merely looking at outputs (injury rates).
- If the assertion that much of HSE is cost driven then a mindset or culture change is needed through education to link productivity and financial return with HSE. To help achieve this government and some of the leading influencers need to review their part in the HSE process. Employers who can see financial benefits from the smart use of HSE will more likely see productive HSE as an incentive. Productive HSE should be seamless and incorporated as part of the job and not isolated to cost.

Influencing health and safety outcomes beyond one's own workplace

17. How successful are government, industry, corporate or other potentially influential bodies in influencing health and safety outcomes beyond their own workplaces (for example through influencing their suppliers, counterparts, and competitors)?

- In the construction sector the influence is extremely limited to a relatively small number of dedicated companies who have demonstrated an H&S culture driven from the top level management systematically through all levels of management and employees.
- Where these companies have full control of their construction site they can dictate who they allow on the site and can therefore influence H&S outcomes across all the contractors and organisations that require access to that construction site.

- Government procurement processes give little recognition of H&S matters except in the land transport sector where the NZTA has recently taken a lead role.
- There have been a number of industry lead initiatives in the construction sector over the past ten to fifteen years that while showing strong results have not been sustainable because of the need for client support and equivalence through the procurement process. A level playing field with equivalence requirements on all players is essential for long term success.

18. What could be done to get government, industry, corporate or other potentially influential bodies to exert greater influence on improving workplace health and safety outcomes beyond their own workplaces?

- As identified in the CSC strategy Government is a significant purchaser of services and thus has an ability to influence market behaviours by its sheer size. Therefore if the Government is serious about improving H&S outcomes it must take a leadership role through its own departments and pay real cognizance to matters H&S in the tender and purchasing process. Our experience is that decisions are cost driven and there is no incentive to factor in the cost of quality H&S practices into tenders.
- The Government should develop a very transparent set of non-financial attributes, such as one for H&S, that are given true weighting and consideration in the evaluation process that is auditable.
- There is much to be gained from a partnership approach with industry, including regulators and entities like the CSC. With sufficient resourcing greater leadership is possible and gains are quicker..
- In many cases, more could be gained by requiring businesses to share learnings arising from an incident, rather than pursuing costly prosecutions. It would be very effective if such a partnership approach resulted in investment in industry training rather than legal proceedings. The effectiveness of the learning would be further enhanced if able to include the experiences of employees and family directly involved in the incident.

Major hazards

19. How strong is New Zealand's current approach to regulating major hazards?

and

20. What improvements to the regulation of major hazards would lead to better health and safety outcomes?

- The CSC accepts the notion that major hazards or high hazard industries may require specific regulation and oversight, however the regulator requires proper resourcing in order to discharge its obligations appropriately and the Government must ensure this occurs. And there is a need for people with the appropriate expertise, specialised if necessary.
- It is vital that the construction sectors' clients have the same understanding of the consequence of major hazards as the regulator and those contractors and builders committed to H & S. This is not always the case.

Health and hazardous substances

21. What are the most significant challenges to managing occupational health risks and exposure to hazardous substances?

and

22. What changes could be made to the existing health and safety framework to reduce the harm caused by occupational disease and ill-health?

- The CSC has identified occupational disease as a key matter to address within its strategy. It is working with the Centre for Public Health Research to better understand how occupational disease can be traced and addressed. This is a complex matter but greater sharing of information amongst health practitioners is essential along with appropriate research into effects.
- The CSC has also identified having a record of exposure rates and work history as fundamental to helping address the source of occupational disease. Work history is best captured at source by general practitioners so correlations can be made more easily at a later stage.

Small to medium-sized enterprises

23. What workplace health and safety challenges are specific to the self-employed and small-to-medium enterprises?

- The cost of compliance is a big issue. SMEs struggle to recover their costs due to the way their services are procured. It is common practice in the construction industry for services to be procured based on lowest cost, and this does little to improve safety practices.

24. What improvements could be made to the workplace health and safety framework, and its implementation, to ensure that it's effective for self-employed and small-to-medium sized enterprises?

The CSC believes implementation of its strategy will go a long way towards assisting the construction sector better manage H&S outcomes.

- We believe that H & S requirements and the consequences for non compliance should be the same for all sizes of organizations because fatalities depend on hazard/risk and not project size .
- Establish a mechanism for larger organisations to share their leadership in setting standards and being 'first movers' in improved work practices. The construction industry does this better than other sectors through the hierarchy of main contractor and subcontractors on most large projects.

Measurement and data

25. To what extent are New Zealand's workplace injury and occupational disease data collection mechanisms conducive to robust monitoring, investigation and comparative analysis?

and

26. What opportunities are there for improving data collection, integration and reporting?

- The CSC strategy considers this problem and believes good information is fundamental to improving H&S performance
- We believe the definitions for LTIs, MTIs etc should be standardized across all NZ workplaces and these should be harmonized with those of overseas countries for benchmarking purposes.
- Since this is a national issue we believe this and the resulting data collection should be undertaken by a government agency

27. Do you think NZ culture influences our workplace health and safety outcomes?

- Definitely. We need to create stronger links between workplace safety culture and the behaviours when people are not at work. Leisure activities for a lot of New Zealanders are outdoor-focussed and could be regarded as 'high risk'. It is difficult to assert a safety imperative at work when the workforce spends the weekend fishing, boating skiing, surfing, playing contact sport and doing DIY.

28. What might we do to improve our culture relating to workplace health and safety?

- We should build on New Zealanders propensity to be "one of the team" rather than a "tall poppy"
- Recognise the importance of H&S knowledge within the education system and include H&S training within technical and professional qualifications.

National Culture and Societal Expectations

- Work by Roothing NZ about five years ago with the Safer Communities Trust clearly showed that attitudes to H & S in the workplace were connected to those in the home and community. Public campaigns that improve safety awareness in the home and community should be therefore encouraged as they will also improve H & S attitudes in the workplace.

CSC STRATEGY

The CSC strategy and its elements are set out below. This strategy informs and supports our response to the Task Force's questions above

After a series of independent workshops it was clear that issues facing the various parts of the construction sector (residential construction, commercial construction, specialist trades and civil construction) were generic and that a joint approach to improving health and safety performance was required. Accordingly, the CSC was formed and a strategy developed to address matters as explained below. Where the strategy touches on the questions raised in the consultation document we have indicated that.

The CSC strategy has 3 key themes and each of those themes has 3 components.

Theme 1 – Certainty

This theme has a regulatory focus and is designed to influence Government to provide a greater level of certainty around the collective and individual health and safety responsibilities on the construction site.

Performance measures have been identified as:

- Value of active ACC claims in the construction industry
- Number of serious harm injuries & deaths per 1m employees

The initiatives within this theme that require addressing are:

1. *Visibility of Risks:*

Required Process: Analyse data to determine common H&S risks:

Currently there is a lack of shared data on H&S so greater insights, learnings and performance benchmarks are difficult to establish. Information is held by numerous Government agencies, the private sector and not shared. The CSC believes better information leads to greater identification of risks and improved H&S response.

Step one of the CSC's initiatives is to share existing data across Government agencies and the construction sector better.

The ultimate outcome is to fill in any gaps that currently exist including better health information associated with long term work related illness.

The CSC has a project to: *Establish a process for combining industry learnings with ACC and DoL data and communicating insights out to industry.*

2. Awareness of Consequences –

Required Process: Proactively inform industry of consequences

The CSC believes there is a general lack of awareness of the consequences of poor H&S practices in all perhaps except the commercial construction area and the infrastructure area. There is something of a cavalier, 'she'll be right' attitude and a focused proactive educational campaign is required to drive understanding. This is not a one off initiative but a long sustained effort and a role the regulator needs to play just as the New Zealand Transport Agency has done with its drink driving campaign. Raising awareness and improved understanding of the consequences is currently being undertaken with the working at heights campaign which the CSC endorses and its members have helped promote.

The CSC has a project to: *Utilise DoL activities to increase proactive information given to industry*

3. Fairness

Required Process: Eliminate non-compliant behaviour

The ultimate role of the regulator is to eliminate non-compliant behaviour. However, one of the most difficult tasks for the regulator is to ensure they are seen as being consistent in their approach. Inconsistent treatment between regions/inspectors creates confusion and disrespect so such a regulatory enforcement role needs to be consistent, fair and proactive. Targeting enforcement and prosecutions based on company size also leads to suboptimal outcomes and disrespect. Ultimately all enforcement should be aligned to clear concise standards.

The CSC has a project to: *Work with DoL to promote regional consistency between inspectors based on agreement that following industry best practice documents that constitute 'all practicable steps'*

Theme 2 – Clarity

This theme considers the role industry has in creating an industry led unified definition of “all practicable steps” that has meaning for construction workers. The CSC has identified 3 areas that will help.

Performance measures for this theme have been identified as:

- Percentage of industry that actively uses guidance material
- Industry satisfaction rating with guidance material

4. *Comprehensiveness*

Required Process: Research current best practice to mitigate risks

There is a current belief that the construction sector is overrun with documentation and confusion exists as to their hierarchy and purpose. It is not uncommon for standards and guidelines to conflict or for ‘competing’ guidelines (eg from Australia) to confuse the users as to what takes precedence. Consequently a rationalization of information is required so a set of industry authorized documents in an agreed hierarchy can be developed.

Ultimately the CSC would like to see multiple guidelines for everything ensuring a comprehensive easily accessible set of H&S advice.

The CSC has a project to: *Establish collaborative industry led programmes to consolidate existing guidelines into an industry authorized document hierarchy*

Note: No consideration has been given to how to do this but it is not without considerable effort and resources.

5. *Up to date*

Required process: Create/maintain guidance materials

While ‘de-cluttering’ the H&S documentation space is required it is essential to ensure the information available (standards, guidelines etc) is up to date and current. Presently many documents are outdated and difficult to change while a system of swift amendment and dissemination is necessary to address new and previously unidentified (or emerging) trends, or to accommodate and reflect new technologies.

The CSC has a project to: *Improve the flexibility of the standards process*

6. Practicality

Required process: Test ease of understanding with construction workers

A significant barrier to improved H&S performance is the absence of simple easily understood and flexible tools that convert the often detailed and lengthy guidelines and standards into something that is clearly comprehended by workers on site. Construction has low levels of numeracy and literacy skills, a transient work force and increasing numbers of workers where English is a second language so H&S messages have to be structured in a manner to cater for such a workforce. Consequently greater worker participation is required to ensure documentation/training is targeted and fit for purpose.

The CSC has a project to: *Develop and implement a structure for presenting information that uses a style and language construction workers will understand*

Theme 3 - Reality

This theme is designed to ensure the construction industry attains tangible business benefits from implementing quality H&S practices and make it it easy for them to do so. The 3 initiatives are therefore focused on:

- developing a H&S competency framework (consistency),
- utilizing the CSC membership to reach non-aligned construction companies and employees (coverage), and
- rewarding compliant H&S systems, including training

The CSC desires a cultural change in H&S attitudes and does not wish to have H&S treated as a compliance exercise. Accordingly we have linked performance measures to improved productivity relating to:

- Number of claims/MLE
- Number of productive hours lost per worker due to injuries & deaths

The CSC initiatives are:

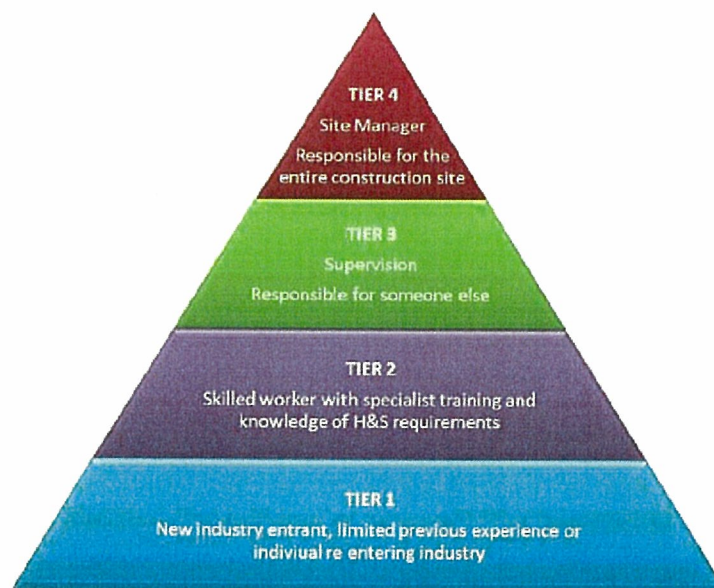
7. Consistency

Required process: Implement a tiered H&S competency framework (including accreditation of training content, training provision, and renewal) promoted to the market as a recognized minimum standard.

Currently there is no national H&S competency framework covering all construction. This results in the following:

- No one is certain if training material is sufficient and where it fits within the H&S system
- No one is certain if the providers of training are suitably qualified to do so
- As H&S training courses are not a ticket for life how is the renewal process 'regulated'
- Recognition of training courses is difficult and as such retraining to employer recognized courses only dominates, which creates waste and unnecessary cost and frustration

In response to this the CSC has developed a tiered H&S qualifications framework as follows:



Tier one: is focused on new industry entrants or those with limited experience and ensures they have a base level of H&S knowledge that is applicable to all construction sites (eg residential, civil, commercial etc). the CSC has identified the generic hazards and competencies required and therefore anyone who has completed this training is safe to go on any site.

Tier 2 – is trade specific H&S training

Tier 3 – is designed for anyone who is responsible for someone else

Tier 4 – is designed for the site manager

Accreditation:

The CSC will recognize training providers who meet the tier one competency content (along with some other training provision criteria) and endorse the appropriate program. In turn the market can have confidence with those providers.

Renewal:

Any completed training course is not a ticket for life. However, redoing a course while working within a good H&S environment is also unnecessary. The CSC proposes to recognise those companies that provide proper H&S systems and allow renewal of the CSC endorsement as of right. However, if working outside of such a system retraining will be required every 2 years.

Voluntary:

This framework is voluntary and employers/contractors are free to select and adopt whatever training service provider they want and insist only those with that training be allowed on site.

The CSC has a project to: *Develop and implement a tiered H&S competency framework and promote it to market as a required minimum standard.*

8. Coverage

Required Process: Widely disseminate H&S information to change behaviour.

The CSC recognises that the construction has a large unaligned segment that is difficult to reach. In order to gain the most traction on H&S initiatives having a totally informed industry is essential. Therefore the CSC needs to

utilize its network as much as a possible to maximize coverage including its relationships with other trade associations, suppliers and government. The CSC also recognizes that it is desirable that non-aligned companies are better served by being a member so that matters such as H&S can be more easily accessed and understood. It has be shown over the years that companies aligned to Industry associations have better health and safety performance because of the transfer of best practice form the generally larger companies.

The CSC has a project to: *Encourage membership of associations by promoting membership benefits through alternative channels*

9. Affordability

Required process: Reward compliant H&S systems

The CSC is of the view that incentives play a key role in improving H&S performance. It is important constructors see tangible business benefits in implementing quality H&S systems and these are affordable.

Incentives do not just extend to cheaper ACC levies for good constructors and penalties for poorer ones but requires government playing its role to ensure implementing quality H&S systems is worthwhile. The government can do this through its procurement practices and influence the market accordingly.

The CSC has a project to: Work with ACC to refine ACC accreditation criteria; develop a “quality mark” for compliant businesses to use for marketing purposes

Attached is a copy of the CSC’s one page strategy showing how the strategy links to the CSC’s Vision and mission

Vision: Health and safety is seen as worth the effort

Certainty

Influence Government to provide a greater level of certainty around collective and individual H&S responsibilities on the construction site

Clarity

Creating an industry led unified definition of "all practicable steps" that has meaning for construction workers

Reality

Ensuring the construction industry attains tangible business benefits from H&S

Ownership

Engine room: Increase in industry productivity by working safely

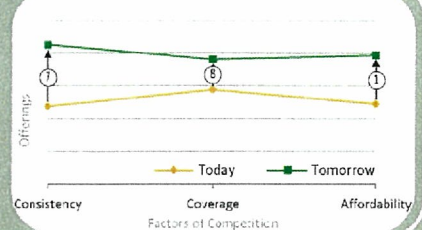
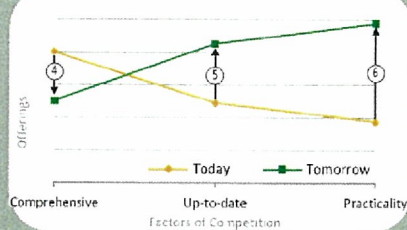
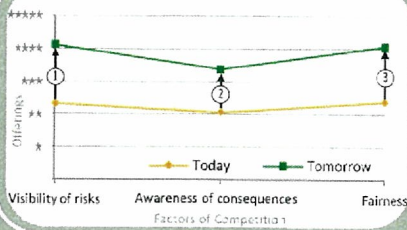
	Yr 1	Yr 2	Yr 3
Value of active claims in construction industry			
Number of serious harm injuries / 1M employees			

	Yr 1	Yr 2	Yr 3
% of industry that actively uses guidance material			
Industry satisfaction rating with guidance materials			

	Yr 1	Yr 2	Yr 3
Number of claims / MLE			
Number of productive hours lost per worker due to deaths & injuries			

Customer

Best in the world: Making H&S an integral part of working on a construction site



Process

Analyse data to determine common H&S risks
Pro-actively inform industry of consequences
Eliminate non-compliant behaviour

Research current best practice to mitigate risks
Create/maintain guidance materials
Test ease of understanding with construction workers

Endorse individual training that meets agreed standard
Widely disseminate H&S information to change behaviour
Reward compliant H&S systems

Learning & Growth

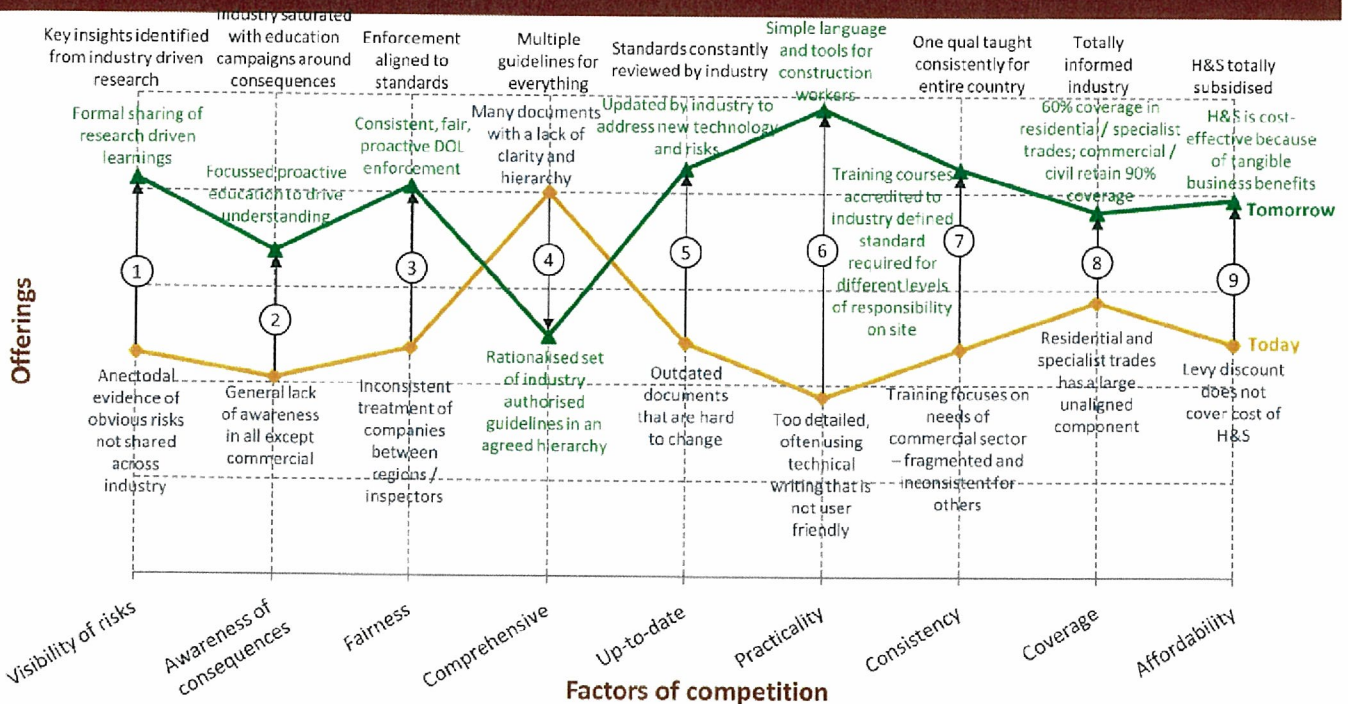
Passion: Collaborating as one industry to make our construction sites safer

1. Establish process for combining industry learnings with ACC data and communicating insights out to industry
2. Utilise DOL activities to increase proactive information given to industry
3. Work with DOL to promote regional consistency between inspectors based on agreement that following industry best practice documents constitutes "all practicable steps"

4. Establish collaborative industry-led programme to consolidate existing guidelines into an industry authorised document hierarchy
5. Improve flexibility of standards process
6. Develop and implement a structure for presenting standards that uses a style and language construction workers will understand

7. Implement NZQA aligned "tiered" qualifications framework (including training provider accreditation, refresher courses, endorsements, and "one card" promoted to the market as a recognised min. std.)
8. Encourage membership of associations by promoting membership benefits through alternative channels i.e. DOL, ACC, MSD, Mitre 10
9. Work with ACC to refine ACC accreditation criteria; develop "quality mark" for compliant businesses to use for marketing purposes

Tomorrow: Making H&S an integral part of working on a construction site Today: Choosing to take risks because full compliance is 'impossible'



Learning & Growth Initiatives

1. Establish process for combining industry learnings with ACC data and communicating insights out to industry
2. Utilise DOL activities to increase proactive information given to industry
3. Work with DOL to promote regional consistency between inspectors based on agreement that following industry best practice documents constitutes "all practicable steps"
4. Establish collaborative industry-led programme to consolidate existing guidelines into an industry authorised document hierarchy

Draft for testing with Association members – 11/12/2009

Factors of competition

5. Improve flexibility of standards process
6. Develop and implement a structure for presenting standards that uses a style and language construction workers will understand
7. Implement "tiered" qualifications framework aligned to NZQA (including training provider accreditation, refresher courses, endorsements, and "one card" promoted to the market as a recognised minimum standard)
8. Encourage membership of associations by promoting membership benefits through alternative channels i.e. DOL, ACC, MSD, Mitre 10 etc
9. Work with ACC to refine ACC accreditation criteria; develop "quality mark" for compliant businesses to use for marketing purposes

DY

Structure: An industry led council will own the strategy, which will be delivered by an operating body working with industry stakeholders

