

SAFER WORKPLACES

ACC CONSULTATION DOCUMENT

COUPLANDS BAKERIES LTD – NOVEMBER 2012

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Thank you for the opportunity to comment on the consultation document. Our comments are outlined below under the relevant question headings.

We believe that over the last few years many businesses, including us, have genuinely endeavoured to work with their employees and the relevant organisations to improve their approach to Health & Safety in the workplace and should be encouraged to continue down this path.

As a nation though it would appear from the statistics outlined in the report that a much more significant accident potential lies outside the workplace and we believe that some of the “risk taking” attitudes found outside work may need to be addressed if NZ is truly going to make great progress within the workplace.

Who gets hurt due to work?

Question 1: Drivers for differences in outcomes in different demographic groups

We agree young people and older employees tend to get hurt in greater proportion to other employees. We find very little difference between nationalities.

The younger age group lack the experience in the working environment and also tend to have a ‘know it all attitude’ toward health & safety. This group tend to be quite transient in nature which means that they may not have covered health & safety in depth as initial training is usually based on core skills.

The older age group (40+) tends to be at risk due to time in employment and this is particularly relevant when they have been in same position/company for a long time. Age appears to be the major contributor to gradual process injuries while injuries associated with lack of attention can arise when an employee becomes complacent in their role.

Question 2: Changes required for improvements for these groups

Basic pre- work H&S training may go some way to reducing the incidences in new employees. While this would not address the industry specific issues it would make a new employee much more aware of potential risks and their role as well as their employers in minimising these.

With the older workforce job suitability along with acknowledgment of gradual process injury means roles will need to be reviewed over time.

Injuries that have a long term effect (i.e. Back injuries) may need to be classified differently so that further incidences are attributed to the initial injury and appropriate actions taken

Regulatory Framework

Question 3: Challenges with the current framework

The biggest hurdle to industry is the understanding of the term 'All practicable steps'. As an employer it is often difficult to determine what these are and a more definitive outline would allow businesses to balance risk, rate of injury and cost more appropriately. This would ensure less variation between places of employment and best practice can be applied. It is difficult, especially in a smaller organisation, to expect senior management & directors to be accountable with the lack of guidance from the authorities currently in place.

Question 4: Improving the framework

The current approach could be improved by ensuring companies are provided with 'best practice' and 'Industry Standard' information then supported under a "safe harbours" type of approach. The current system whereby the regulator is the ambulance at the bottom of the hill is antiquated.

For businesses that show they are willing to comply with the law it is important that this is recognised and encouraged with support provided to "do things better". The full force of the law should apply to those organisations who have demonstrated they do not wish to comply.

We do not believe the ability to sue would be helpful as it does not promote the partnership approach between employee and employer that is evident in many NZ companies.

Regulators Roles and Responsibilities

Question 5: Effectiveness of current regulators.

The current system is cumbersome and disjointed.

Question 6: Suggested improvements.

A greater emphasis could be placed on H&S if it was a single regulatory body incorporating Training, Injury Prevention, Injury Management and Compliance and Information. This body also needs to include KRA around involvement of businesses as the best systems include review and feedback. At present ACC provides employers with feedback on their performance against industries in their grouping. If this was adopted by the other departments and incorporated into training and compliance then the working model would have relevance.

Changing Workforce

Question 7: Impact of changing workforce

The immigrant workforce brings varied understanding of H&S to the workplace and this along with language and cultural differences puts a strain on the training environment. The understanding of H&S requirements tends to take longer thus increasing the risk period.

Question 8: Recommendations

It may be useful to include information about New Zealand's approach to H & S in the workplace including employee responsibility in information given to new immigrants in their own language.

Worker participation

Question 9: Effectiveness of worker participation

Worker participation can be a difficult area for a company. While it is critical workers have a say in the role of H&S within business it is equally important the person is fully aware of their duties and is capable of undertaking the required training. The right to refuse work should remain. In this circumstance, written statements giving reasons and recommended solutions or alternatives should be requirement. If agreement cannot be reached then the Regulatory body should be involved as mediator.

Question 10.Improvements to worked participation

Clarification of the requirements and responsibilities (liabilities) of these employees should be spelt out in the framework so that representatives can clearly understand these and take some responsibility for the outcomes.

Leadership and Guidance

Question11. Role of directors & senior management

In many businesses the directors require guidance on H & S as they, as individuals, do not necessarily have the skills to know whether the practices in place are appropriate. There is little in way of guidance from the authorities against which to benchmark an organisation.

Question 12: Improvements in participation of leaders

We agree director s and senior management should have overall responsibility for H & S though more from the perspective of ensuring the company culture is appropriate rather than at a "blame for a specific issue" level. Three factors would assist this:

- The availability of agreed best practice guidelines for an Industry that allows directors a mechanism against which to hold their management teams accountable. The labelling guidelines within in NZ are a good example of a benchmark against which individual compliance can be determined.
- Training for directors and senior management from the regulatory body.
- Positive financial recognition for companies who actively participate in a robust H & S programme

It is our view that employees should have also actively participate in promoting an environment that fosters H & S before production needs. Incentive bonuses should not be at odds with H & S and

employees should take responsibility for their own actions when it comes to taking any unnecessary risks at work.

Capacity and Capability

Question 13: Firms capability in managing H & S

There is very limited capability within NZ to source reliable H&S training and information. Even under the WSMP system questions requiring answers or clarification can require the input of several Government departments and still be at the discretion of the auditor. Suitable qualifications for senior H&S company employees are sparse and questionable as the trainers themselves have qualifications that don't necessarily fit the NZ H&S environment. There is a requirement for the NZ system to identify the core requirements of training providers and recognition of some overseas qualifications like IOSH and Australian H&S qualification. Auditors should hold a qualification in H&S.

Question 14: Options for improving firm capacity & capability

We believe that firms that have demonstrated a willingness to engage in H & S improvements should be given access to training and support at little or no cost or at the risk of penalty. Training in schools via the gateway / transition programmes would be useful for some people destined to join the work force.

Incentives:

Question 15: Effectiveness of incentives

The current system of Experience rating and WSMP incentives are a real positive to improved H&S.

Question 16: Opportunities for improvements

The most logical next step is to improve accessibility to quality training aimed at all levels of business. This could be based on the number of employees/ hours worked and a percentage of days free training per year. This at present is partially filled by ACC free seminars but needs to be extended to cover all levels from Employees to senior managers. This could take the form of provided DVD training tools or access to courses for more advanced training.

Subsidies to access low cost consultancy on aspects of H & S would also be benefit but it is unlikely many NZ companies would respond well to star systems or the like.

Influencing H&S outside the workplace

It is our view that focus should remain tight at this stage.

Major Hazards

Unqualified to comment on this area

Health & Hazardous Substances

We acknowledge this is an area not well understood by business and believe as further knowledge comes to hand then training of senior managers would be useful.

Small & Medium Size Businesses

N/A.

Measurement & Data

Question 25: Role of data collection

At an individual company and Industry level the current measuring tools provided by ACC are an excellent tool to compare against previous years. This information when complemented with onsite data provides a good measure as to the business performance in H&S.

Question 26: Opportunities for improvement

Measuring medical provider's performance against desired outcomes would also be an advantage. Specialising doctors (occupational) tend to have a higher return to work rate than others. Any system requires all parts of it to be measured to be complete. Medical providers should be required to complete more in-depth reports on person's ability to perform tasks or requirement to complete post injury recovery. This could be requirement of receiving subsidy.

National Culture

Question 27: Role of NZ culture

The NZ culture when it comes to H&S is obviously an influence as behaviour is the major contributor to accident prevention.

Question 28: Improvements

As identified New Zealanders have demonstrated an ability to make improvements to their overall health & safety when they believe the prize is worth having. Education on consequences of poor behaviour appears to be a key influencer so some thought to promoting these should be considered.