



Strategic Review of the Workplace Health and Safety System

Submission template

This template can be used to make a submission to the Independent Taskforce on Workplace Health and Safety. The template does not limit the length of your answers, and you can attach documents to supplement your answers if you wish. Alternatively, you can use the on-line questionnaire to make a submission, which can be found at www.hstaskforce.govt.nz. The on-line questionnaire restricts the length of your answers to about 300 words per question.

Please refer to the taskforce's consultation document, *Safer Workplaces* before completing this template. The consultation document can be found at www.hstaskforce.govt.nz

About you

* Indicates mandatory questions

1. *Your full name:

David Llewellyn Adams

2. *Is this submission on behalf of an individual or an organisation?

☒ Individual ☐ Organisation

Name of organisation:

3. *Region

- | | | |
|--------------------------------------|---|--|
| <input type="checkbox"/> Northland | <input type="checkbox"/> Whangarei | <input type="checkbox"/> Auckland |
| <input type="checkbox"/> Waikato | <input checked="" type="checkbox"/> Bay of Plenty | <input type="checkbox"/> Gisborne |
| <input type="checkbox"/> Hawke's Bay | <input type="checkbox"/> Taranaki | <input type="checkbox"/> Manawatu-Wanganui |
| <input type="checkbox"/> Wellington | <input type="checkbox"/> Marlborough | <input type="checkbox"/> Nelson |
| <input type="checkbox"/> West Coast | <input type="checkbox"/> Canterbury | <input type="checkbox"/> Otago |
| <input type="checkbox"/> Southland | <input type="checkbox"/> Overseas | |

4. *Respondent category

- | | |
|--|--|
| <input type="checkbox"/> Employer | <input type="checkbox"/> Not in paid employment |
| <input checked="" type="checkbox"/> Manager | <input type="checkbox"/> Occupational health nurse |
| <input type="checkbox"/> Employee | <input checked="" type="checkbox"/> Health and safety practitioner |
| <input type="checkbox"/> Self-employed | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Employee representative | |

5. *Which type of industry do you manage, own a business in, or work in?

- ☐ Agriculture
- ☒ Forestry
- ☐ Fishing
- ☐ Mining
- ☐ Manufacturing
- ☐ Electricity, Gas, Water and Waste Services
- ☐ Construction
- ☐ Wholesale Trade
- ☐ Retail Trade
- ☐ Accommodation and Food Services
- ☐ Transport, Postal and Warehousing
- ☐ Information Media and Telecommunications
- ☐ Financial and Insurance Services
- ☐ Rental, Hiring and Real Estate Services
- ☐ Professional, Scientific and Technical Services
- ☐ Administrative and Support Services
- ☐ Public Administration and Safety
- ☒ Education and Training
- ☐ Health Care and Social Assistance
- ☐ Arts and Recreation Services
- ☐ Other Services

6. *Size of business that you own / manage or work for?

- | | |
|--|---|
| <input type="checkbox"/> Self employed | <input checked="" type="checkbox"/> 20-49 employees |
| <input type="checkbox"/> 1-5 employees | <input type="checkbox"/> 50-99 employees |
| <input type="checkbox"/> 6-9 employees | <input type="checkbox"/> 100+ employees |
| <input type="checkbox"/> 10-19 employees | |

7. Gender

☒ Male ☐ Female ☐ Other

8. Age

- | | |
|--------------------------------|---|
| <input type="checkbox"/> 15–24 | <input checked="" type="checkbox"/> 45–54 |
| <input type="checkbox"/> 25–34 | <input type="checkbox"/> 55–64 |
| <input type="checkbox"/> 35–44 | <input type="checkbox"/> 65+ |

9. Ethnicity

- | | |
|--|--|
| <input type="checkbox"/> NZ Maori | <input type="checkbox"/> Asian |
| <input checked="" type="checkbox"/> European | <input type="checkbox"/> Middle Eastern/Latin American/African |
| <input type="checkbox"/> Pacific Island | <input type="checkbox"/> Other ethnic group |
| <input type="checkbox"/> Other European | <input type="checkbox"/> Do not wish to indicate |

10. Your contact details

Phone number(s)

Email address:

Please tick the boxes below as appropriate

- ☒ I consent to my submission being placed on the Independent Taskforce on Workplace Health and Safety website
- ☐ I would like my name withheld from publication (submissions from individuals only)

Please note that your name and contact information, including any personal information, is being collected so that the Independent Taskforce on Workplace Health and Safety can publish the names of people and organisations who or that made submissions, follow up with a respondent if any submission needs clarification, and for the general purposes of the Strategic Review of the Workplace Health and Safety System. The Independent Taskforce on Workplace Health and Safety is the intended recipient and holder of the information and can be contacted at PO Box 3705, Wellington, New Zealand. In accordance with Privacy Principle 7, you have the right to access and correct any personal information you provide.

Submission template questions

Please answer the following questions and feel free to attach any supporting documents.

If you are completing the template on paper, please feel free to add other pages but make clear which questions your answers refer to. **If you are completing the template electronically** and need more space for any of your answers, please write the rest of your answer into another document, making clear which question your answer refers to, and attach it when you send your completed submission template to us. The answer fields below hold approximately 430 words.

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

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

In an effort to improve workplace H&S we have tended to implement rules/regulate whenever someone is hurt. In my opinion this has led to a dumbing down of individuals ability to analyse risk and make an informed decision based on their perception of the risk.

To give an example in forestry. We have a long standing rule that tree fallers shall not fall any more than one tree onto two. tree driving it is called. In some cases it is safer to fall more than that amount to mitigate a severe hazard and yet we forbid it. Our industry has not taught the current crop of fallers to take account of the rules but very importantly look at the current situation and make a considered decision on your next actions.

If I can use another analogy. Schools have banned the game of bull rush as they deemed it too rough. However by playing the game of bull rush kids learnt that if you were the small kid in the middle you picked other small kids you could tackle until you had enough small kids with you to call out the big kid.

By trying to wrap workers in a cocoon of rules we have taken away their thought processes around risk management. I am not suggesting we do away with rules as they are critical to H&S management but we need to encourage workers to think more.

2. 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?

I can only really speak for forestry but I think my comments are applicable to construction and other labour intensive industries.

The forest industry has defined the role of the forest 'principal' in its current and new Code of Practice. The wording is:

3.4.1 The principal shall verify that the employer has in place a documented safety management system before commencing operations.

The principal shall periodically audit the effectiveness of this system.

The documented safety management system shall comply with the requirements of the Health and Safety in Employment Act, the Health and Safety in Employment Regulations Act 1995 the Hazardous Substances and New Organisms Act (HSNO), and Codes of Practice relevant to the operation being undertaken.

3.4.2 The principal shall ensure contract agreements clearly incorporate and define responsibilities and duties under the:

- Health and Safety in Employment Act 1992
- Health and Safety in Employment Regulations 1995
- HSNO Act 1996.

3.4.3 The principal shall identify significant hazards specific to each work area which are caused by operations over which they have control and then:

- supply the employer with documentation on the hazards
- jointly with the employer determine measures to control the hazards.

Having managed H&S for a number of large forest companies, I cannot recall in my career DoL/OSH etc ever auditing the principal.

If we want bang for bucks in H&S management then the forest principals need to be audited. There are a number of large forest principals managing H&S of their contractors to a very high level. Unfortunately there are some principals operating in forestry that are never taken to account. These same principals do not fulfill their legal obligations and often undercut the responsible principals as they have no compliance costs.

Auditing all forest principals will automatically improve the H&S performance of employers by default. It is also a relatively simple thing to audit and very cost effective.

An example of a principals audit is attached. This has been used successfully in one major forest company.

Regulatory framework

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

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

More focus on principals. Refer to Q2.

Regulators' roles and responsibilities

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

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

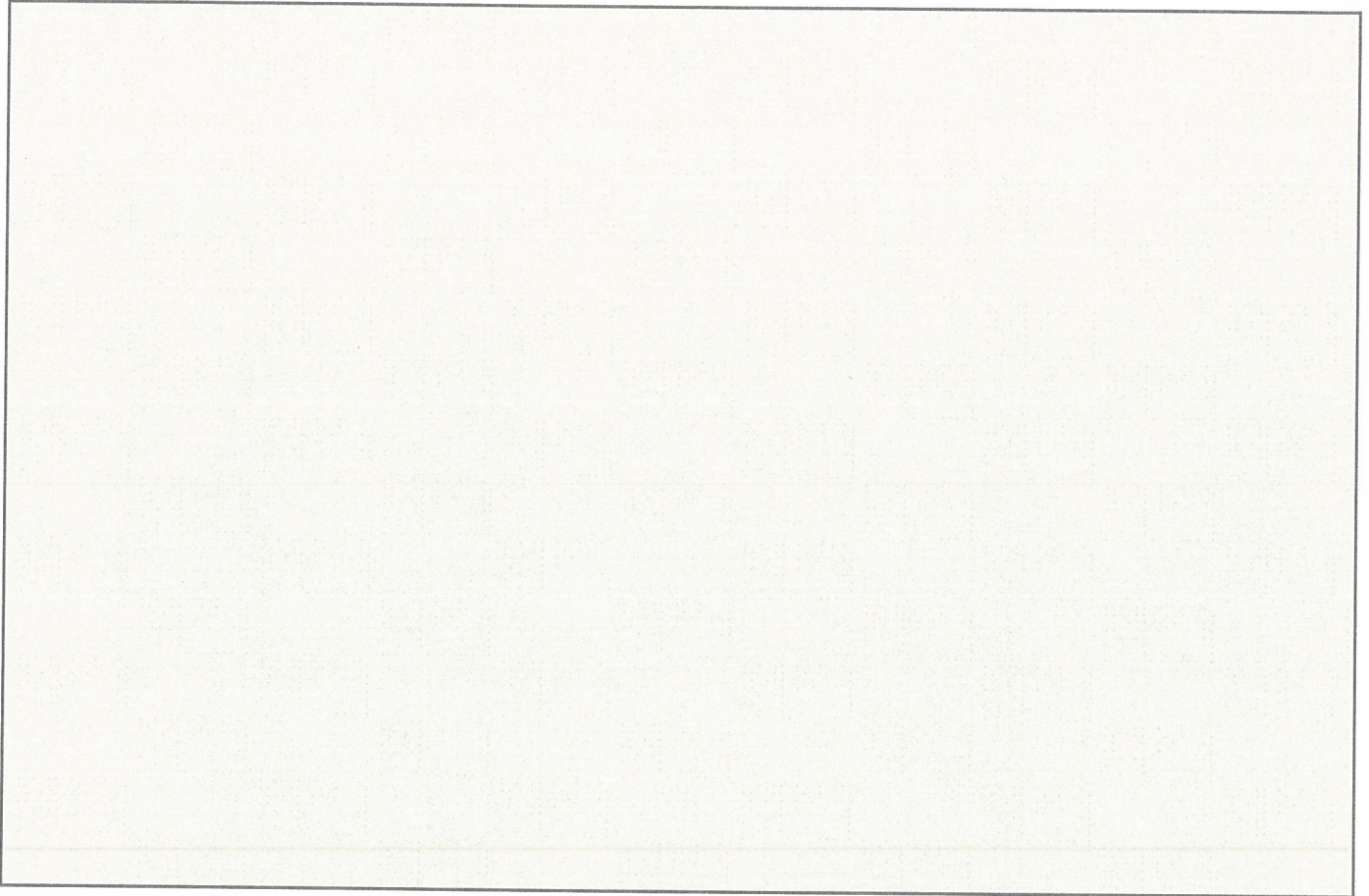
Lack of enforcement action by DoL inspectors. They are reluctant to bring prosecutions or issue notices due to the bureaucracy involved.

Poor conditions for inspectors. The salary they receive is never going to attract the right people for the role they have to undertake. Recently an inspector role was advertised in Rotorua. Salary was \$50,000 to \$55,000. Many forestry workers earn more than that and certainly those with H&S experience in forestry would currently be on \$70,000 to \$80,000.

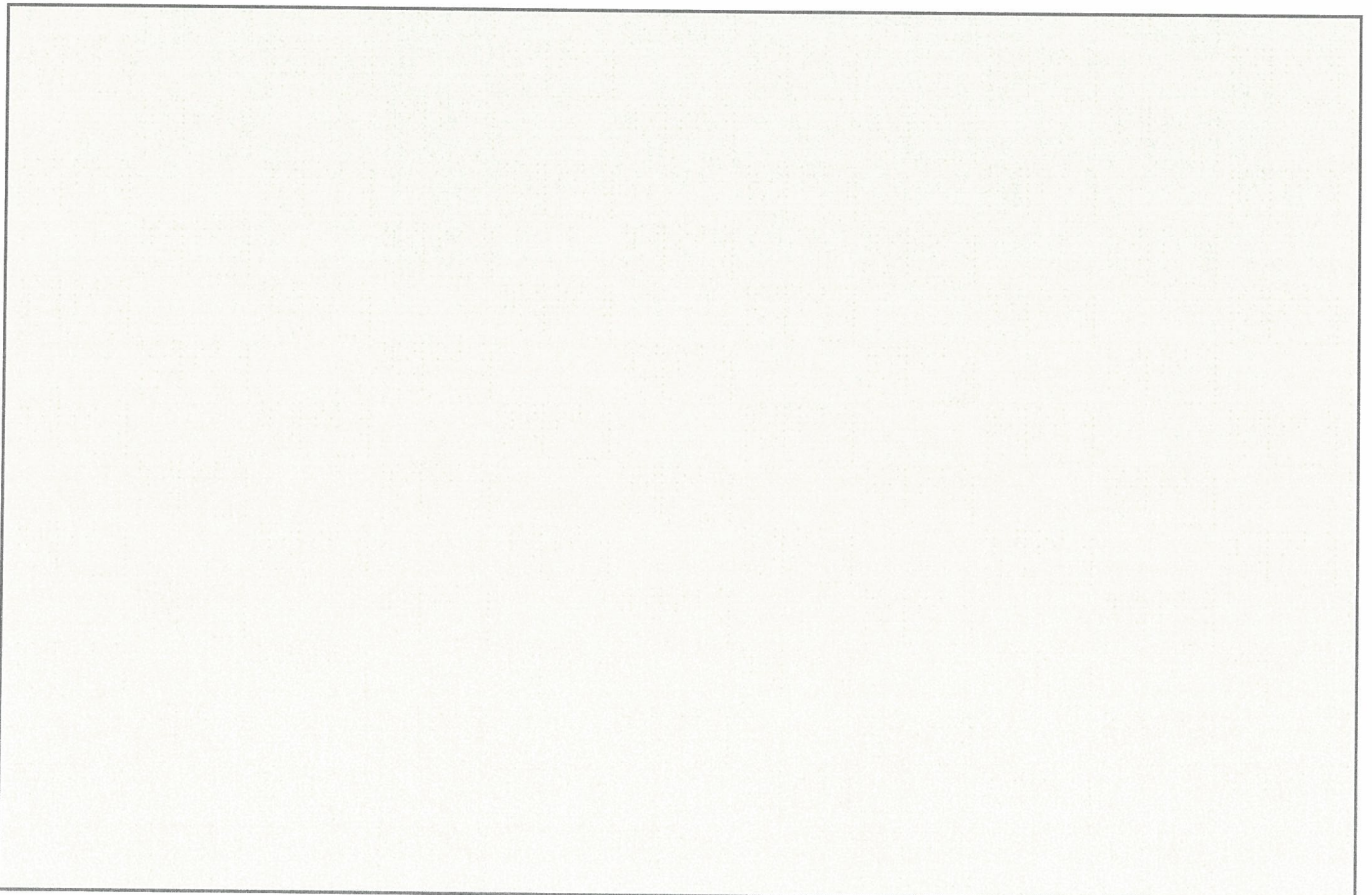
The dual role of DoL is confusing. There needs to be a clear demarcation between them and ACC. It is my opinion that ACC should be the H&S advisor and DoL should be the H&S police or enforcement arm. DoL cannot be both and it is a waste of resources to have both organisations doing the same thing.

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?



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



Worker participation and engagement

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

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

Leadership and governance

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

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?

Audit the principal companies.

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)?

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

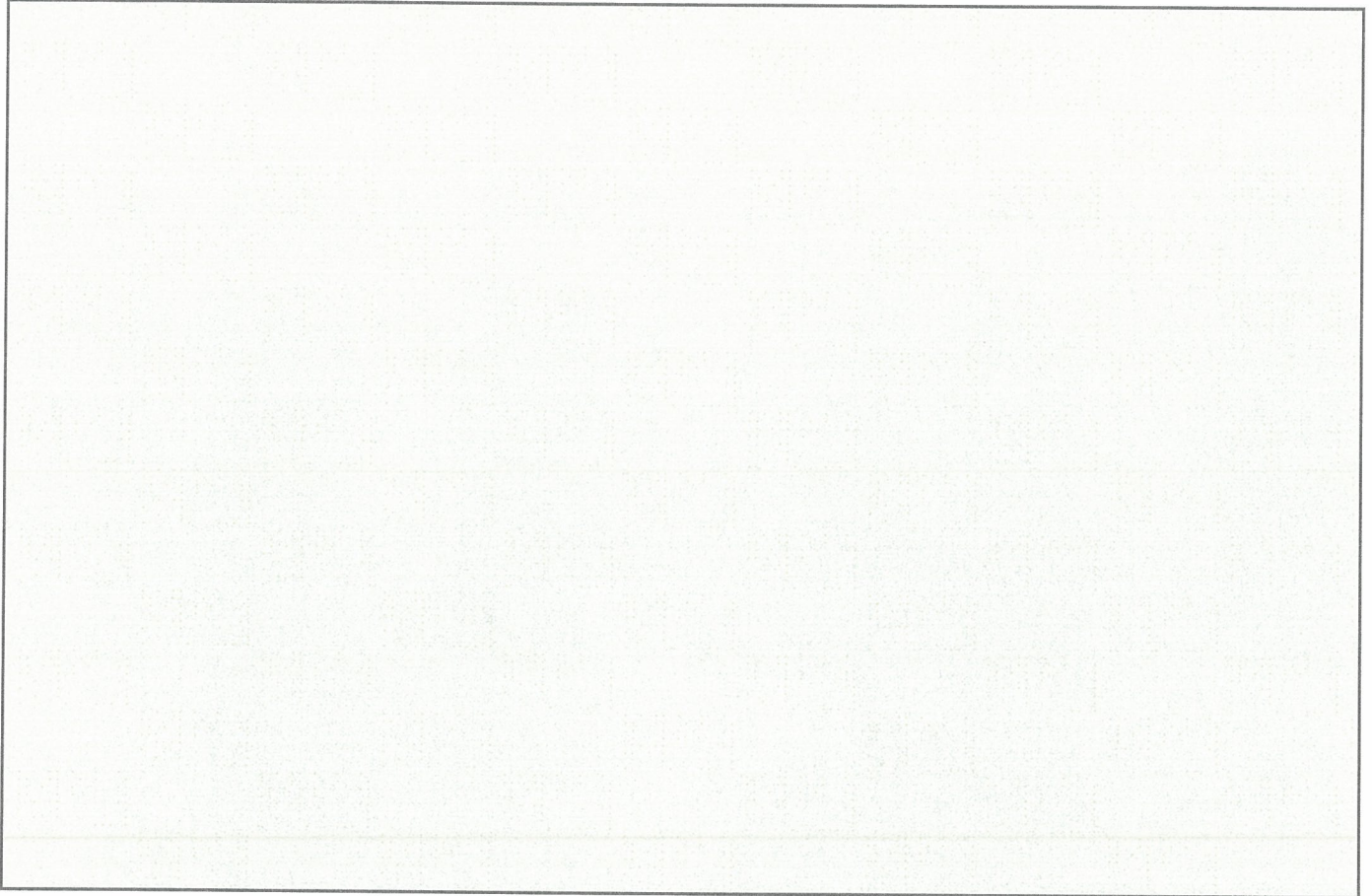
Incentives

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

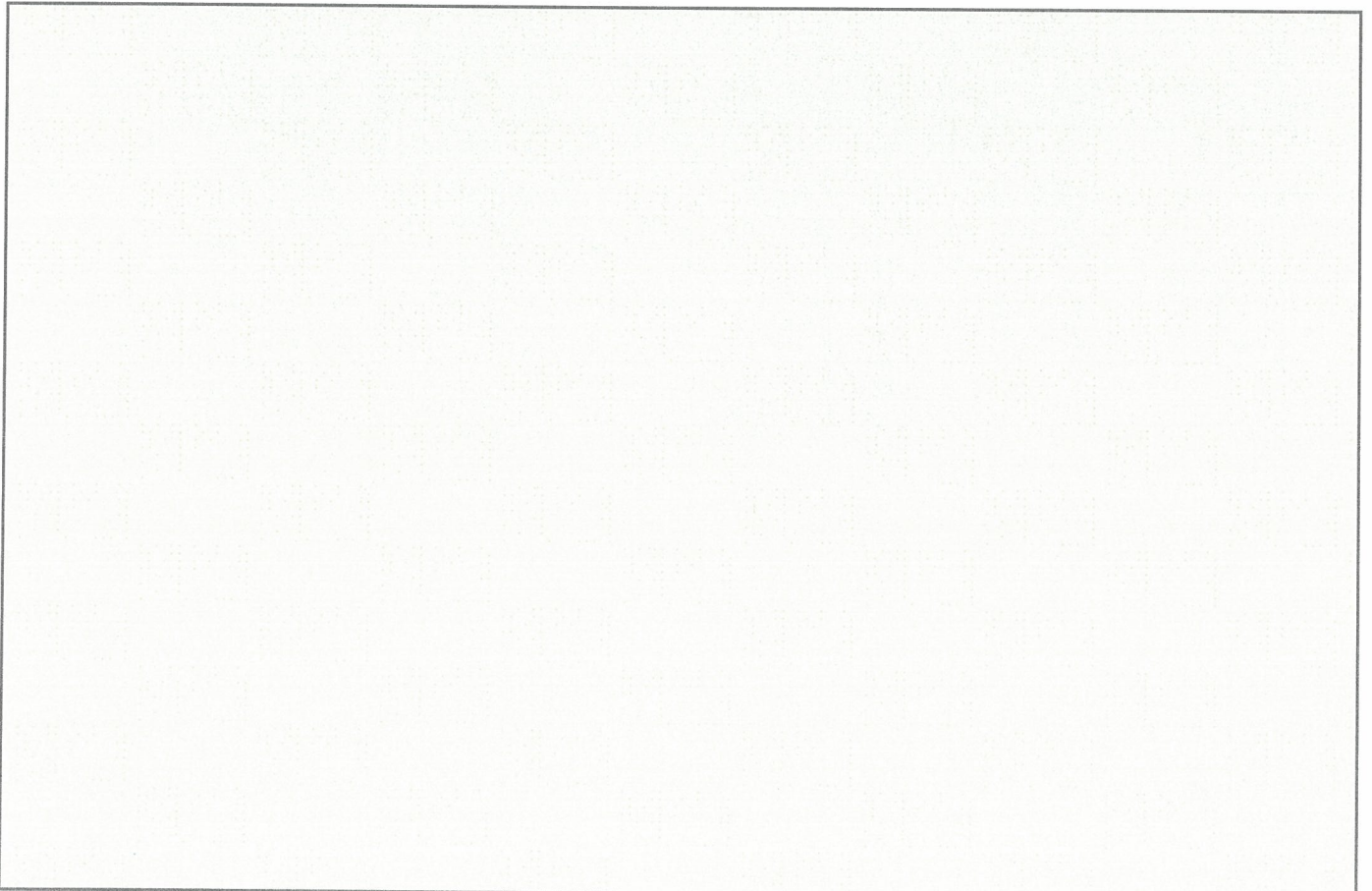
16. How could incentives be better used to improve workplace health and safety outcomes?

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)?

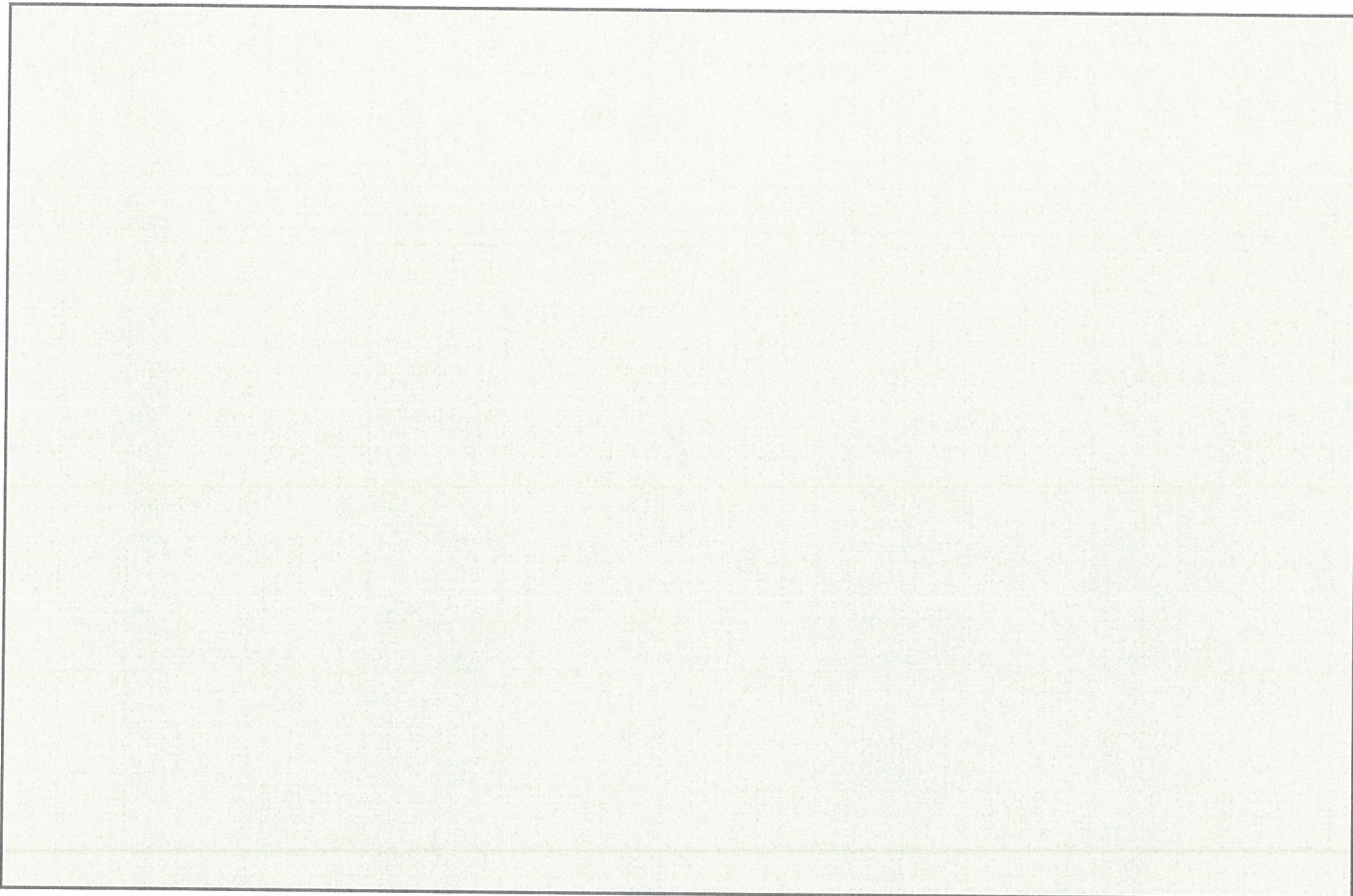


18. What could be done to get government, industry, corporate or other potentially influential bodies to exert greater influence on improving workplace health and safety outcomes beyond their own workplaces?

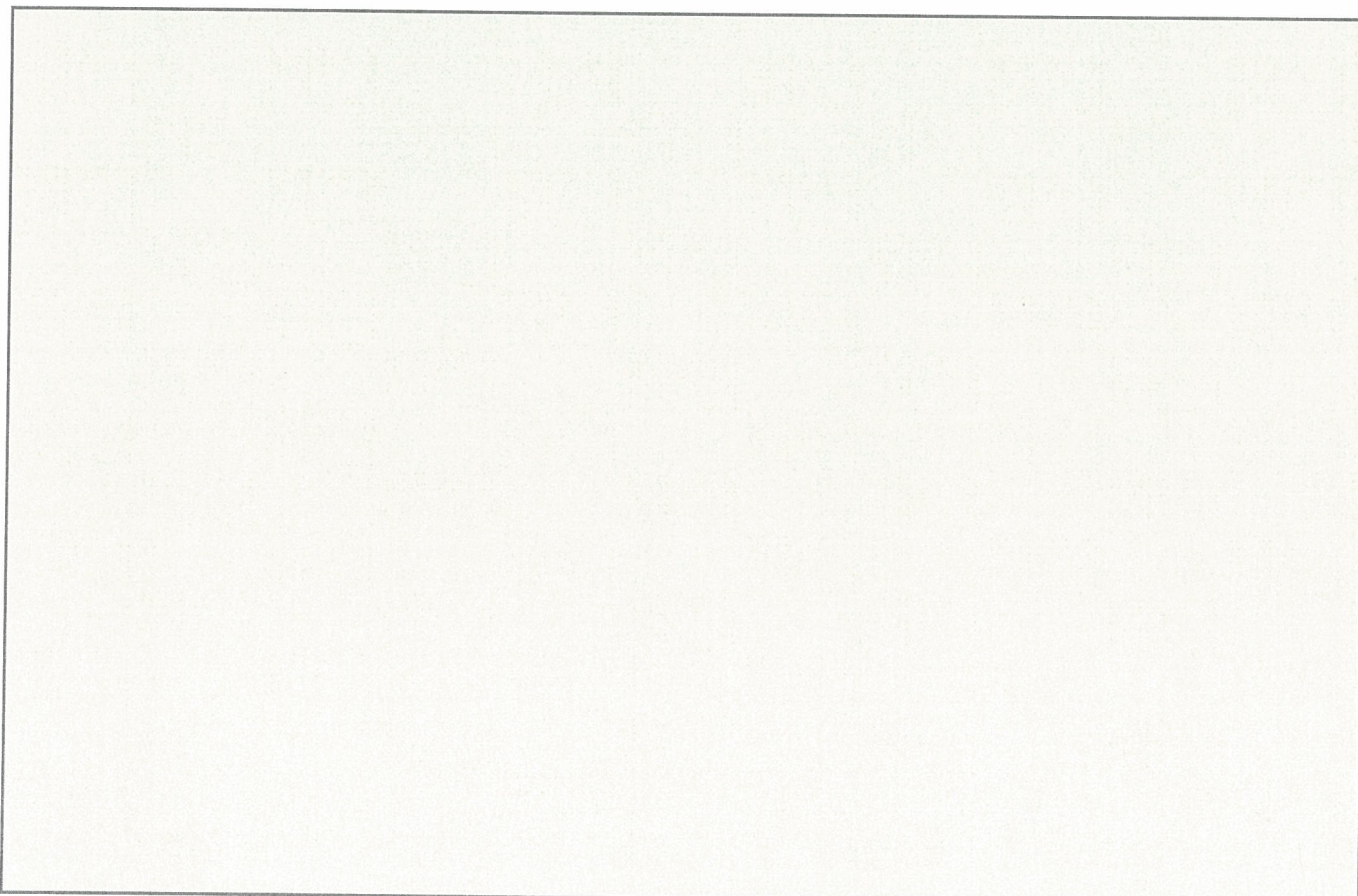


Major hazards

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



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



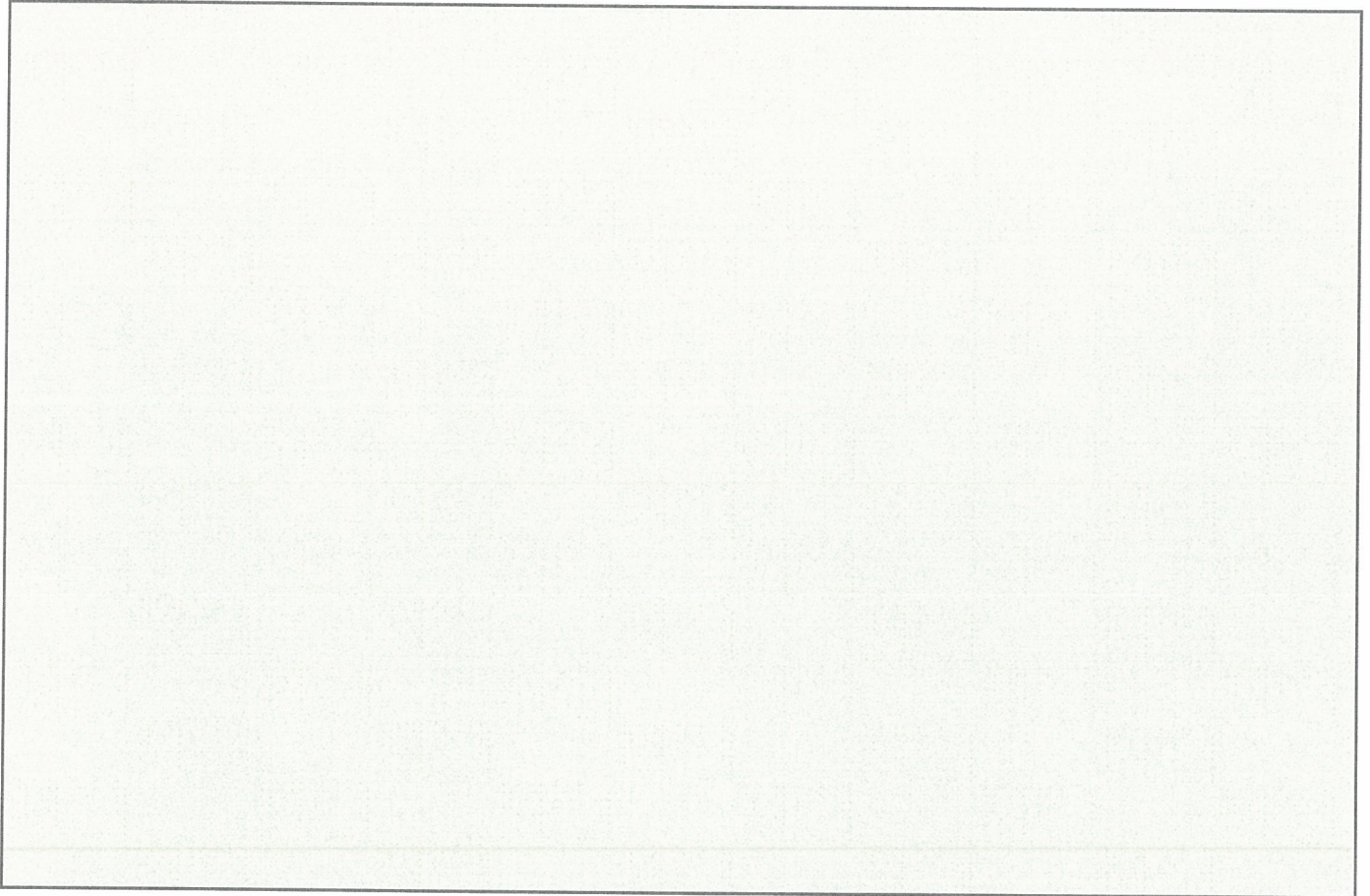
Health and hazardous substances

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

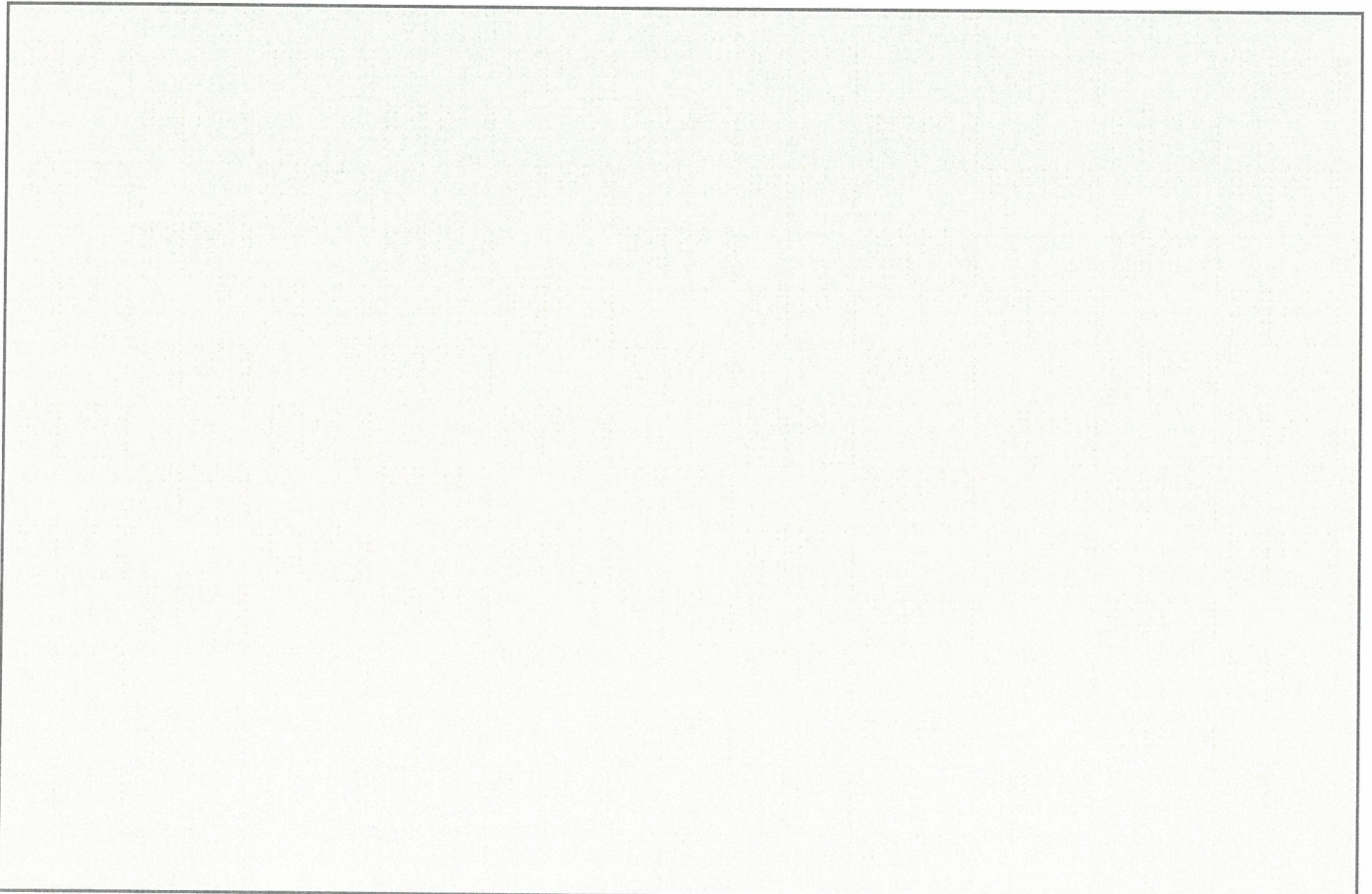
22. What changes could be made to the existing health and safety framework to reduce the harm caused by occupational disease and ill-health?

Small to medium-sized enterprises

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



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?



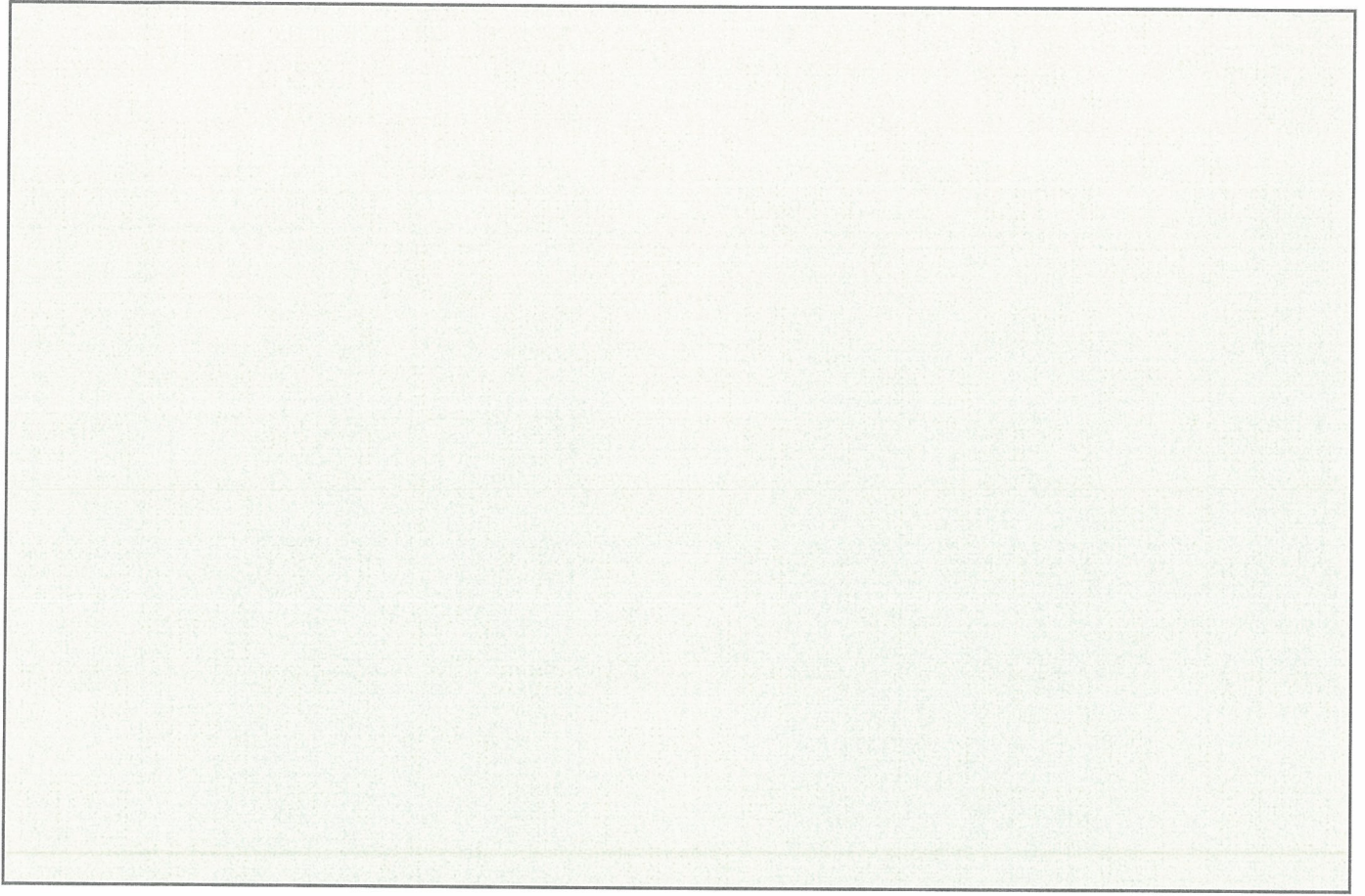
Measurement and data

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

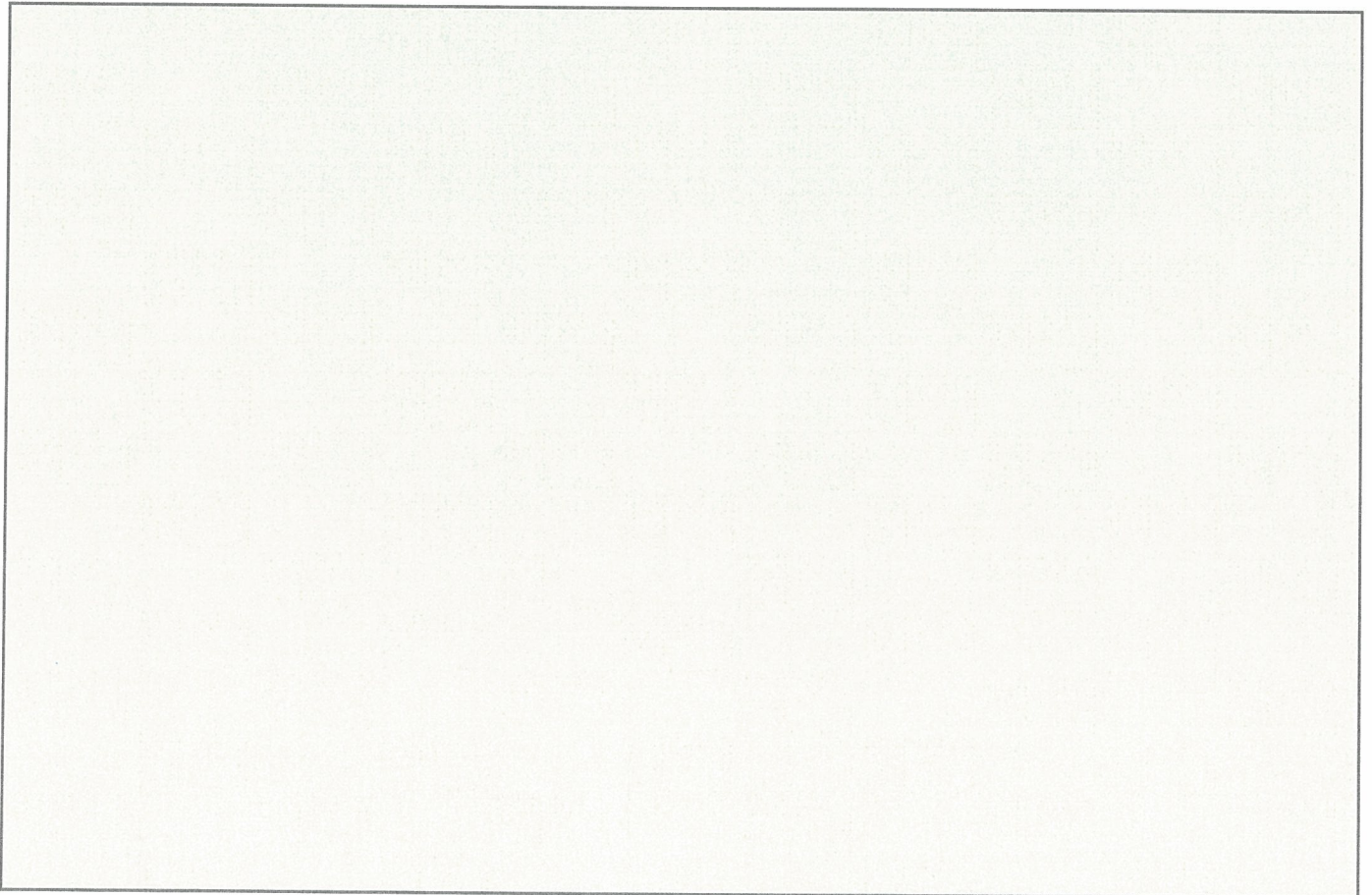
26. What opportunities are there for improving data collection, integration and reporting?

Our national culture and societal expectations

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



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



Other factors

29. Are there any other factors (not already covered) that influence workplace health and safety outcomes in New Zealand?

30. Do you have any other suggestions for how to improve workplace health and safety outcomes in New Zealand?

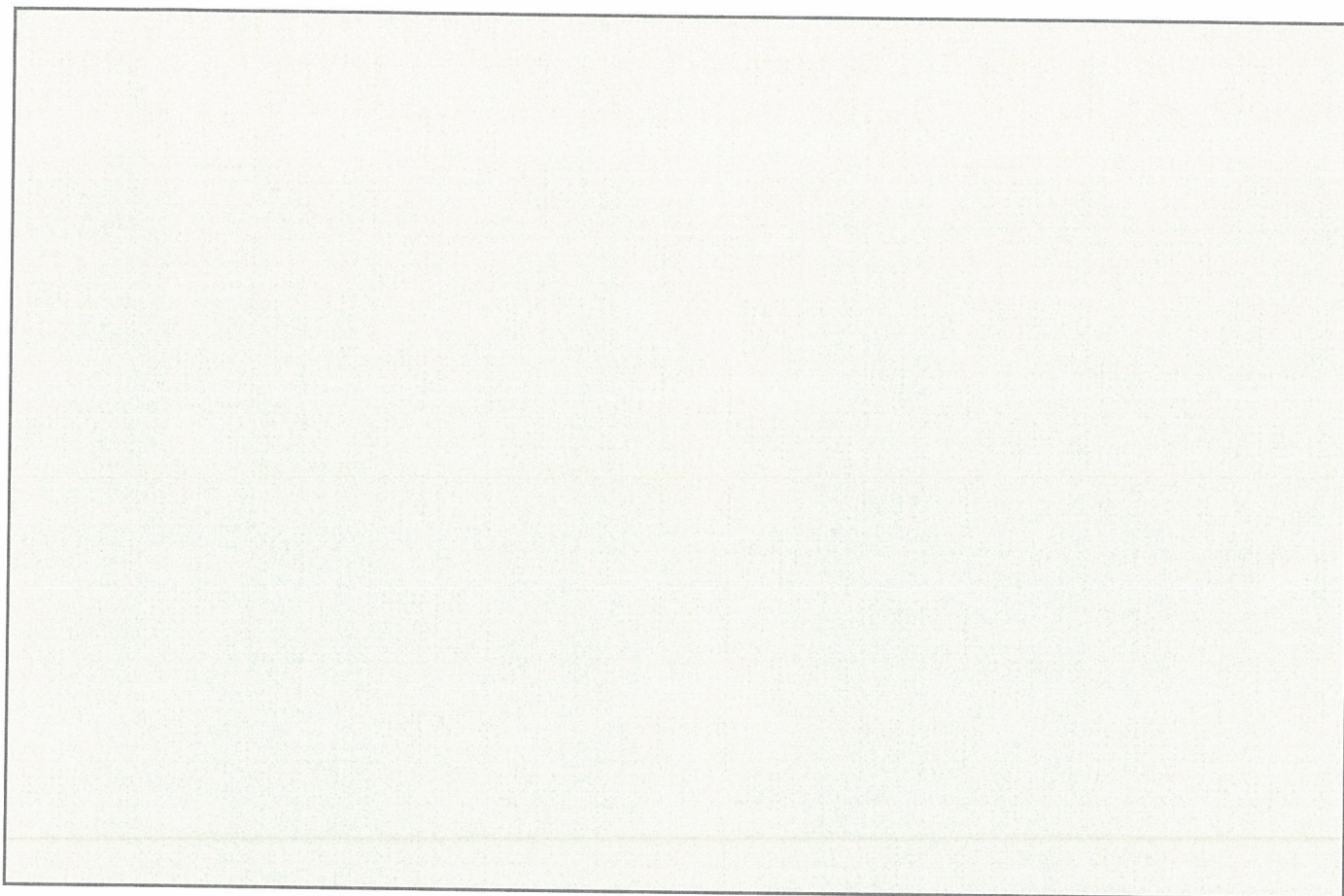
The workplace needs a strong, well led and focussed inspectorate. The number, ability and resourcing of inspectors has reduced dramatically over the last decade.

DoL focus needs to be clearly on enforcement and not education. Give the education focus to ACC.

I personally think that DoL is trying to be all things to all people which has led it to being nothing to anybody. Take the lessons from Pike River and build a strong focussed organisations. Those in forestry that are managing H&S well will applaud it while those that are not managing H&S will panic and either improve or get out.

Other comments

31. Are there any other comments that you would like to make?



Please send your completed submission to secretariat@hstaskforce.govt.nz (preferred) or post it to: Submissions, Independent Taskforce on Workplace Health and Safety, PO Box 3705, Wellington 6140. We would appreciate it if you could get your submission to us as early as possible, but at the latest, you must get your submission to us by **5pm, Friday 16 November 2012**. If you are sending your submission to us by mail, you should put it into the post by 5pm, Wednesday 14 November 2012.