

Independent Taskforce on Workplace Health and Safety

Strategic Review of the Workplace Health and Safety System

Submission template

* Indicates mandatory questions

About you

1. *Your full name:

Don Rhodes

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

An organisation

Name of organisation:

Don Rhodes & Associates Limited

3. *Region

Canterbury . Otago and Southland .

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

- . Professional, Scientific and Technical Services
- . Education and Training

4. *Respondent category

- . Self-employed

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

- . Self employed .

7. Gender

- . Male

10. Your contact details:

PO Box 38 Omakau 9352
Central Otago.

Phone number:

Email:

8. Age

65+I would be interested to know what relevance the taskforce attaches to this detail.

9. Ethnicity

NZ Maori - part

Please tick the boxes below as appropriate

I consent to my submission being placed on the Independent Taskforce on Workplace Health and Safety website.

Yes.

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.

I understand.

Submission template questions

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

My submission is based solely on the strong belief our health and safety incidents could be lessened if we focussed more on training people to do their jobs properly, instead of emphasizing health and safety as a separate component of their work. As a result my response transcends all demographic groups.

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?

See above, and more detailed comments below.

Regulatory framework

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

It has caused compliance to become too complicated.

I see H&S manuals that run to 20/30/40 pages, full of graphs and technical information, beautifully presented, sitting on shelves but never used. Additionally there are often numerous other documents devoted solely to H&S, again too technical and/or too complicated for those who matter most.....those at the frontline.

The reason[s] I hear about their not being used or used only when there is a problem.....is as my opening comment indicates in this segment of the submission: they are too complicated and long-winded.

See, where this information is of greatest value, is at the front line of any operation. These people are not into reading and understanding volumes of information which is presented in today's workplaces as something separate from the rest of what they do. The thinking at that level is compounded by the fact we have health and safety committees/ health and safety officers/health and safety manuals/health and safety training/health and safety everything.

That may be fine for the corporates who have the health and safety officer and the training officer and the personnel officer, but even then it seems to me there would be much better assimilation of health and safety matters if the 'framework' was simplified such that frontline people understood. After all, H&S concerns are substantially more relevant to the 'worker' than to the manager or H&S officer.

The reality is that these folk at the frontline concentrate each day on getting the job done, and they talk about that all the time.....about getting the job done.

Seldom, except in a few workplaces, do they talk about health and safety matters as part of the daily work each day and most of the day. Discussions every work day are more focussed on how the job is progressing...are standards/timelines/budgets/objectives/etc being met. In other words, is the job being done as we have been trained to do it?and these folk in the frontline readily engage in those discussions because they relate to why they are there.

So, the challenge is to get the H&S component of their everyday working lives incorporated into those everyday discussions. To me the answer is simple.....train everyone to do the job properly, which will of necessity include doing the job safely because no Employer or Contractor or Business owner wants downtime due to accidents or illnesses.

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

See comments above.

By writing operating procedures [job descriptions] in such a way that they are used for training and on-going people development, the health and safety components then become part and parcel of the everyday work discussions mentioned above. More important, it is in these discussions where the H&S component of work gets reinforced, along with the quality and timing and service.

Regulators' roles and responsibilities

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

Only as effective as police can be. H&S Inspectors are seen as the police, and legislation to a large degree has required this. In some ways I don't see a need for that to change, other than to require the focus of their 'inspection' to be on how jobs are documented eg the presentation and content of operating procedures. So Inspectors check operating procedures to ensure content includes having guards in place/wearing the correct protective clothing/following the correct procedures for lockout etc., along with the quality and teamworking and customer relations and timing. Once we get prosecutions based more on Employers not following their own procedures then we will get the emphasis I have detailed above being pushed up the 'management' ladder so that managers and senior execs take more notice of what is happening....or should be happening.... at the frontline.

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

See above. One method worthy of consideration is to simplify the work of the Inspectors. Being able to write out infringement notices at the time is a case in point. By lessening and simplifying the paperwork they would then have more time to get out and about.

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?

See my above comments re H&S being seen as a separate part of peoples jobs, but also being too complicated. Particularly for those coming here from other countries as well as those who have some difficulty with interpreting/understanding pages of written instructions, simplifying processes must be beneficial for all concerned.

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

See above.

Worker participation and engagement

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

Not much, because of the complicated way in which H&S has grown. I see this daily, where there is little if any requirement in operating procedures [job descriptions] for managers/supervisors requiring them to review hazards at least every 6 months, and to ensure they do the review with someone from their team who is named in the review process. It is not enough to stipulate that reviews and participation must occur.....we have to stipulate how that has to occur. And where better than in a manager's operating procedure, rather than a 40 page H&S manual sitting on a shelf??

It is not enough to encourage worker participation, it must be a requirement of each workplace. Here again, operating procedures ensure that happens by requiring there to be operating procedures for management at all levels. This will increased efficiency not only in the area of H&S but right across the business operations of the country.

A further suggestion is to set up the opportunity for Employees to advise Inspectors of failings in workplaces, possibly through a website that enables them to remain anonymous. I have some reservations about that becoming another Facebook opportunity for people to take shots at their Employer, but some mechanism along these lines may be worth pursuing. In the past the Union rep. was the usual vehicle, but with the decline in Union membership that has limitations.

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

See above.

Leadership and governance

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

See above. Not so much directors, because I see that as a possible complication that encourages directors to step over to the 'governance' role, but certainly senior managers should have included in their operating procedures a requirement to review the operating procedures of those who report to them. See how this all ties in to the one aspect of managing the workplace, rather than as I have said a number of times above, having H&S as a separate activity?

Definitely directors need to know the ramifications of not getting things done properly.....again without specific reference to H&S as a separate item but as part of the whole operation. So the requirement for them is to ensure their CEO has the right operating procedures.....and that is something almost non-existent in NZ business. CEOs have targets and outcomes, but most often nothing to specify how the Directors want those targets and outcomes to be achieved.

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?

See above.....the simplicity of a system that requires operating procedures for everyone. We had it several decades ago when the Dept of Labour ran the Training Within Industry [TWI] programmes, a major component being that for any organisation to get access to the free service, the CEO and all managers had to participate. Unfortunately someone in Wellington forgot to analyse the value against the cost, and cost won out. After more than 20 years since the demise of the TWI programmes, I still have managers commenting on how valuable those programmes were. Even Deming struggles to get that kind of recall.

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)?

See above. Their capacity and capability is hampered by the complications around H&S. There are numerous opportunities for firms to access external resources, but unfortunately H&S has become such a large business in itself many of those providing the resources perpetuate the complexity of H&S as a means of generating more and continuing income. Witness the huge and complex H&S manuals.

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

See above. To me there is only one option and that is to remove the complications of H&S to be replaced by a simple system everyone understands leading to greater acceptance of the H&S requirements of work as well as the quality and teamworking etc..

Incentives

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

Partly effective, but only a small part. H&S outcomes will have a greater chance of long term improvement when we get things right at the frontline. By all means keep the incentives in place as they always play a part in any requirement to get something done.

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

By having something akin to the old TWI programmes, focussed on providing assistance with preparation/presentation/content/implementation of operating procedures.

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)?

Obviously not very successful or we would not be having this debate. Apart from the complicated approach to H&S currently in vogue, it has grown into an industry all on its own and I am in no doubt the proposition I am putting forward will meet with much criticism as many people's futures will be at risk in such a move from complication to simplicity. It gets worse when we know of organisations with ACC tertiary ranking who are prosecuted yet retain their ranking, but that is another topic.

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?

See above.

Major hazards

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

Strong enough. The Courts are now sentencing at a level which I perceive is having an effect. Unfortunately too often that effect prompts organisations to write more rules and have bigger and more complicated H&S manuals as well as having more H&S training instead of reviewing the operating procedures. In many cases accidents/incidents occur not just because some H&S aspect has been overlooked or done poorly, but also because other parts of doing the job have been maybe neglected or not done as they should have been done.

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

See above re operating procedures for managers/CEOs.

Health and hazardous substances

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

See above. Have you read through all the HAZNO stuff??? Alongside the 'standard' H&S manual it provides certain future work for lawyers, folk like myself, specialist H&S advisers, Unions and unfortunately, the Courts. However, HAZNO is a very specialised area requiring highly trained Inspectors to check operating procedures, which would go a long way to achieving better outcomes in this area. Obviously that would apply only to those organisations operating in certain industries and should be incorporated into the training of selected Inspectors currently.

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

See above. Correctly prepared and implemented operating procedures covering all aspects of H&S in the workplace. The return of OCC Health nurses as part of the Inspectorate would only be beneficial.

Small to medium-sized enterprises

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

As above, the complication of it all.

Have you seen the mountains of paperwork/processes/procedures that CAA have introduced since the Fox Glacier tragedy???? All they needed to do was require certain specific and simple provisions to be inserted in operating procedures, but instead they have Operators in this sector spending hours and hours on updating processes.....and guess how they feel? As a result we have scepticism in place of enthusiasm.

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?

See above.

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?

As always, systems can be improved. I believe present mechanisms are adequate. Any improvements should come from input from individual Employers/Health people/H&S Inspectors rather than a committee. Small regional gatherings of such folk will give a much better analysis of what is not working and what can be done to make it work better. Those gatherings could be easily set up by local H&S Inspectors who would ensure they had a couple of good operators as well as a couple of 'not-so-good' and also health people with a record of work in this area. To get people involved the Inspectors would have to target the individuals and recruit them rather than invite them, because not only are there currently seminars and meetings and presentations to Africa, but people would be hesitant to go along to something run by a H&S Inspector.....unless they were invited with the right approach!!

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

Don't know other than my comment above.

Our national culture and societal expectations

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

Yes, where too often bureaucrats decide what is best for us. As mentioned above, when bureaucrats are involved the standard approach is to write more rules and regulations.....see the CAA contribution already mentioned; how we ended up with a building code written by bureaucrats under the guidance of the very people who caused the problems in the first place.....builders. I have not seen one set of statistics to tell how many 'leaky home' problems were caused by either Master Builders or other trade groups purporting to be 'professional'. That is a direct result of our historical industrial links to the UK where the volume of paperwork is the determinant of success.

Just in case bureaucrats reading this are offended, don't be.....the ones to blame or those of us who allowed this to happen. It's about time we took back what should have been our responsibility all along, and the option I propose will do just that. Employers in particular who do not have operating procedures that emphasise safety along with quality, affordability, timing and customer service etc, should be held accountable. Then a breach of an operating procedure would be the basis of any prosecution, but along the way would emphasise it is one aspect of getting the job done properly, rather than the present focus on H&S as a separate entity in the world of work.

There is another possibility with this approach, and that is H&S written into operating procedures would then come under the 'employment' umbrella and could be dealt with through the employment legal processes. Having H&S currently dealt with through the District Court adds another financial dimension particularly for SMEs because they feel they must employ a lawyer to represent them. While the employment process tends to include lawyers or other advocates, there is the opportunity to deal with issues at a lower level with the attendant lower costs.

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

See above, particularly at item 27. We should not try to improve the H&S culture because that is way too complicated [again!!!], but focus on the way we operate within the workplace and that will establish the correct culture of work.

Other factors

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

One final comment on the matter of present H&S procedures and programmes/legislation/rules being too complicated, is to observe while visiting workplaces, that when you mention H&S you actually see something like a grey curtain drift across people's eyes. It represents for me a feeling of'Not H&S again!!!!'

But you go to a workplace and talk to them about their jobs and they respond at once and tell you how things are going. How wonderful if we could get H&S seen as part of the job and not something to be left to others..... to be found in separate documentation and commented on by someone other than our boss?

I acknowledge this is not another factor, but further proof of how H&S being promoted as something separate from everyday work is not helping our safety record.

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

No.

Other comments

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

Disappointing the Minister did not see fit to have one of her OHS Inspectors on the panel, after all they are the ones out there every day seeing what works and what doesn't.

Appreciate the opportunity for input.

Cheers. Don Rhodes.

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.