

Additional Comment to Submission for Health and Safety Taskforce

Further to my original submission to the Taskforce I wish to add the following in light of the recent findings of the Royal Commission into the Pike River Disaster.

Additional Comment:

With the greatest respect to the Commission, I struggle with the recommendation to set up a separate body to deal with Workplace Health and Safety in New Zealand.

One of the major issues facing workplaces in our country, and particularly for Employers across the board, is the continuing growth in compliance. If we have yet another government department to deal with, there will without doubt be the feeling among Employers that here is just another organisation who will set their hierarchy and begin to create another set of rules and regulations. We already have some confusion with ACC and the Department of Labour providing advice on how to prepare for and deal with emergencies.

I am firmly of the belief we already have adequate policies, procedures and laws in place to deal with the likes of Pike River and indeed the Christchurch tragedy. My reading of the Commission's report is that the system failed, NOT the law or procedures. If people had done what they were supposed to do the tragedy at Pike River would most likely have been averted.

Which brings me back to the thrust of my original submission. If the operating procedures were robust and applied across the organisation, there would at least have been more likelihood of those involved understanding what was required. Training to do the job would have included also the safety key points, just as for quality and teamwork and monitoring etc. Also, those operating procedures would have been an excellent starting place for the Department Inspectors to begin their initial review as well as their on-going inspections. Perhaps even a requirement when applying for their mining licence or resource consent.....something to ensure there was adequate preparation before the project began.

One group who should have clear and detailed operating procedures are the Union delegates. Under the law at present it is clear that if a worksite is deemed dangerous then work can legitimately stop.

For Union delegates, part of their operating procedures must be clarified by their respective Unions.....in this case EPMU. In dangerous industries such as mining, Union delegates carry a huge responsibility in respect of Health and Safety, because of the current legislation. I believe that responsibility should if anything be strengthened.

So rather than set up yet another arm of bureaucracy, we should be concentrating on how we make what we have more efficient.

Finally I note comments from the acting Labour Minister today, about increasing penalties for workplace accidents. To me that is putting the ambulance in the wrong place.

Rather, and especially if we have clear precise detailed operating procedures in place, let's look at prosecuting Employers and increasing penalties where they do not have those procedures in place, rather than wait for someone to be injured, or at worst die. All that would require would be input from mining 'experts' to establish best practice key points around safety and health, and a few more Labour Inspectors.

Once the key points were defined there would be less requirement, if any, to have expert Inspectors.....just someone to check the procedures contained the required information. If they did not then maybe a period to get them correct and if not.....wham!..... a penalty relative to the organisation but substantial enough to send out a clear message. I am always a fan of there being a minimum so as to take away any chance of leniency where there are clear requirements.....you either comply or get whacked.

This could be easily replicated in industries such as farming; forestry; fishing; transport; construction.....I think those are identified as the most dangerous. The list would of course be subject to the statistics.

I very much appreciate the opportunity to provide this additional comment. Thank you.

Don Rhodes