

To the Independent Taskforce on Workplace Health and Safety

Tēnā koutou katoa, e ngā Rangatira

Submission to the Taskforce on Workplace Health and Safety regarding the Strategic Review of the Workplace Health and Safety System.

My submission is in support of significant change in the current legislative and regulatory framework.

I understand that there are a number of issues under consideration for this strategic review broadly covering who gets hurt, killed or suffers from ill-health or disease as a result of work, the regulatory framework of health & safety in New Zealand including roles and responsibilities of regulators, NZ's changing workforce and work arrangements, worker participation and engagement, leadership and governance, capacity and capability of the workplace health and safety system, incentives, major hazards, health and hazardous substances, and measurement and data collection.

I submit that:

1. A new Crown Entity with a tripartite governance structure be created, as a specialist agency with the sole focus on the development, administration and enforcement of the HSE Act, and the workplace enforcement of the Hazardous Substances and New Organisms Act 1996. The Workplace Health and Safety Council to become the executive board of this organisation.
2. Specialist, stand-alone Health and Safety Centres be introduced, to be Government funded yet wholly independent of the government. They would report to the Workplace Health and Safety Council. The CTU has the capacity, integrity and reputation to co-ordinate and run said centres nationally, with regional centres as required.
3. Health & Safety Representative training needs additional funding and support for workers to have paid time off to be trained in order to function as a safety representative, and a further level four course to be developed and introduced. I support that these training courses continue to be run by the Council of Trade Unions given their experience and breadth of coverage in our workplaces.
4. Selection of Health and Safety Representatives be by workers with their powers strengthened and protected in the Health and Safety Regulations, particularly in relation to the issuing of Hazard Notices. They need paid time off to be allowed to carry out the function of safety representative. Their power to issue Improvement Notices needs to be introduced. They need the right to receive adequate information from the employer or principle on current and future hazards to the health and safety of workers at the workplace.

5. Health & Safety Representatives need the following:

- The right to inspect the workplace
- The right to investigate complaints from workers on health and safety matters
- The right to make representations to the employer or principle on these matters
- The right to be consulted over health and safety arrangements, including future plans
- The right to be consulted about the use of specialists in health and safety by the employer or principle
- The right to accompany health and safety authority inspectors when they inspect the workplace and to make complaints to them when necessary
- Protection of H & S Representatives from victimisation or discrimination as a result of their representative role.

6. Higher penalties be considered to enforce the punitive nature of the penalties particularly following a workplace fatality.

7. The introduction of a corporate manslaughter criminal offence into New Zealand law, similar to the UK Corporate Manslaughter and Corporate Homicide Act 2007 be considered. This [UK] Act clarifies the criminal liabilities of companies where serious failures in health and safety management result in a workplace fatality.

8. “Hazard” remain the primary basis to the HSE Act and the attending duties to eliminate, isolate and minimize those hazards and serious harm definitions need to be reinforced in the legislation.

9. HSE Act take precedence over all legislation if a legislative clash occurs in a workplace.

Thank you for considering my submission.

Kia ora

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