



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:

Loui Joseph Yukich

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 checked="" type="checkbox"/> Waikato | <input checked="" type="checkbox"/> Bay of Plenty | <input type="checkbox"/> Gisborne |
| <input type="checkbox"/> Hawke's Bay | <input checked="" type="checkbox"/> Taranaki | <input checked="" 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 type="checkbox"/> Manager | <input type="checkbox"/> Occupational health nurse |
| <input type="checkbox"/> Employee | <input type="checkbox"/> Health and safety practitioner |
| <input type="checkbox"/> Self-employed | <input type="checkbox"/> Other: |
| <input checked="" 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 type="checkbox"/> 20-49 employees |
| <input type="checkbox"/> 1-5 employees | <input type="checkbox"/> 50-99 employees |
| <input type="checkbox"/> 6-9 employees | <input checked="" type="checkbox"/> 100+ employees |
| <input type="checkbox"/> 10-19 employees | |

7. Gender

☒ Male ☐ Female ☐ Other

8. Age

- | | |
|--------------------------------|---|
| <input type="checkbox"/> 15–24 | <input type="checkbox"/> 45–54 |
| <input type="checkbox"/> 25–34 | <input checked="" 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 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?

The hours of work and the effects of stress related fatigue and physical exertion

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?

Regulation of maximum work periods including rest intervals and driving time, and
introduce a requirement for a daily pre work impairment test using ocular scanning technology

Regulatory framework

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

It is largely a structure that promotes lip service to compliance and rewards under reporting encouraged by employers due to lack of regulation and the absence of compliance monitoring

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

This is a no brainer but do you have the will to introduce the fix

Finland has one of the worlds best safety performance records in the world and we attribute this to a statutory limitation on the maximum number of work hours in any year fixed at 1400

Recent data from DOL shows New Zealanders now working on average 55 hours a week or 2860 hours a year

The single most effective initiative to reduce workplace accidents and injuries as a starting point is to extend the application of the LTSA driver safety rules on work time to all employees, contractors and self employed persons as well as fixing the maximum number of work hours in a year or any 12 month period at 1840

The second most effective initiative is to establish a collective agreement/s (national award) for the rural / agricultural and construction sectors.

Thirdly the introduction of a requirement for a daily pre work impairment test using ocular scanning technology

Industries and businesses with collective agreements in effect have superior health and safety performance otherwise there is there is no contractual regulation of safety performance.

If for no other reason the standards of personal protective equipment and hours of work are regulated in good employment agreements but otherwise are seen as a cost of compliance to be avoided by business.

Regulators' roles and responsibilities

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

Currently not at all.

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

Introduce minimum standards for rest intervals and maximum work hours by regulation requiring authenticated reporting and conduct routine compliance audits by Inspectors in all businesses starting with those where employees exceed 12 hours work in any day including travel time to and from the place of work or where they exceed 60 hours in any week or 7 day period or observe less than an uninterrupted period of 48 hours rest in any week or 7 day period.

The Holidays Act of 1962 used to contain penalty provisions for employers where employees were required to work on Saturdays or Sundays, these should be reintroduced and monitored as they were effective incentives to ensure minimum rest intervals on weekends.

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?

Total

Hours of work are increasing whilst rest intervals are reducing

national awards are deregulated and there is reduced collectivism

recent immigrants participating in the workforce are increasing

there are increasing levels of independent contractors or shell company's deliberately set up to arms length the employment relationship and associated H&S compliance costs

Large numbers of highly trained skilled new Zealanders are leaving NZ and being replaced by unskilled untrained immigrants that have come from a totally deregulated environment

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

More regulation of performance standards and training requirements and in particular controls over maximum work intervals and minimum effective rest periods

Worker participation and engagement

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

Not at all unless coupled with other assertive strategies and this includes in the State Sector

Employees and Union representatives are actively discouraged from participation

Mighty River Power is a classic case at hand

Effective employee participation requires empowerment and it is not happening other than in some extreme circumstances

It may take up to a year to get essential PPE and as much as 5 years to get training for those handling hazardous goods or carrying out high voltage switching operations

In the case of MRP an absolutely classic example exists where Operational Staff that work by them selves are provided with a defibrillator however if they were ever to need it there would be no one to use it

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

The H&S Representatives role must be a fulltime paid position appointed by the workers not the management, provided with training and a statutory guarantee protecting the role holder from discrimination and victimisation which is currently the norm

the appointment process should be administered by the blue collared workers who should be the only ones involved in the selection process

only blue collared workers should qualify for appointment

training should be to the L4 National Cert. in Workplace Health and Safety Management

remuneration for the position should be fixed at 15% above the highest paid within the peer group

there needs to be a ratio of paid representatives

resourcing for other H&S purposes, e.g training but not PPE should be fixed at a minimum of 6% of the business or enterprise payroll

Leadership and governance

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

Not at all, its just another compliance cost to business that they are trying to avoid

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?

Appointment of worker representatives to Boards of Directors and statutory liability for Directors

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)?

They have the where with all but not the will

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

Apply a levy which would fund workplace H&S worker participation

Incentives

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

Not at all

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

Scrap the Partnership Program, incentives don't work they are just like rewards for workers for safety performance they only cause under reporting

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)?

The only area I am aware of is where Unions have insisted that workplace safety standards are extended to contractors e.g. minimum PPE and training standards

in the absence of this control there doesn't appear to be any transfer of duty

D&A testing has been introduced in some circumstances however the forestry industry has proven that this is a myth in so far as any benefit in improving safety performance

mechanised harvesting has been introduced over the past 15 years significantly reducing the highest risk activities in the forest and with an associated reduction in labour units by as much as 8,000 employees although death rates are still higher than any where in the world

we know why this is but nothing will be done to fix it

felling trees in other countries such as Canada is a 2 man operation with a safety observer on hand at each tree fall

we have attempted to introduce a requirement for a daily pre work impairment test (sobriety test or ocular examination) however this has fallen on deaf ears

such a check whilst not preferred to medical examination is preferred to ineffective random D&A urinalysis

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?

Require all business to provide regular medical examination to ascertain fitness for work to all independent contractors at regular intervals with an associated requirement for the presentation of a certificate of fitness prior to the commencement of work

Major hazards

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

Wet bus ticket, there is no regulation of stress or fatigue other than for persons that drive for a job which is a very small proportion of the work force when it is know that fatigue is the greatest cause of accidents

why is nothing done about it

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

As before the framework is there

it just needs a bit of regulation

the introduction of the LTSA Driver Safety Regime worked and significantly reduced the number of fatalities caused by truck drivers

extend it

Health and hazardous substances

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

Education

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

Identify high risk activities and regulate for ergonomic redesign also review the carcinogen register

Small to medium-sized enterprises

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

Lack of regulation

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?

extend the application of the Employment Relations Act to independent contractors and lift the veil on sham companies, e.g. ABB Maintenance Services Limited and TSNZ Pulp and Paper Maintenance Limited

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?

Not at all, workers are generally conditioned not to report due to victimisation, intimidation and harassment

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

Protect the whistle blower

Our national culture and societal expectations

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

Yes but in a negative rather than positive way

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

Protect the whistle blower

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?

Other comments

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

Don't bin it and

when will you be responding to submissions if at all or seeking oral input

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.