



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:

Frances Meikleham (for the Bay of Plenty Freight and Logistics)

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

☐ Individual ☒ Organisation

Name of organisation: Freight & Logistics Action Group (FLAG)

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 checked="" 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 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 checked="" 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 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 checked="" 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 Freight and Logistics workforce is culturally diverse. However, it is recognised that some sectors within FLAG have higher proportions of distinct cultural groups, for example a higher number of Maori and Pacific Island workers in forestry. As one of the most hazardous sectors, this undoubtedly skews the injury and fatality rates amongst Maori and Pacific Islanders in forestry. FLAG therefore considers that the rates of injuries are higher for certain cultural groups than others because of representation levels, rather than any particular health and safety issues pertaining to one ethnic group over another.

However FLAG notes marked differences in the ingrained health and safety practices of younger people when compared to older people. It is clear that the younger workforce is more conscious of health and safety issues and it is considered that this is the product of education and resources being provided to the younger workforce coming through. This younger workforce has had the benefit of polytechnic courses, industry training and strong, managed health and safety procedures in the modern workplace. FLAG has found that the older workforce has more difficulty adopting modern Health and Safety procedures and integrating them into their own work culture.

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?

As mentioned in question 1, we are seeing the benefit of industry training and a modern focus of larger workplaces on health and safety regimes. FLAG therefore considers that education should continue and further develop in this area and that resources should be placed into businesses in order to maintain a sound health and safety culture within the workforce.

As well as continuing to create a culture of safety for the younger workforce, changes need to focus on the older demographic. Further assistance needs to be provided to organisations and industry groups as to how to best educate the ageing workforce on modern health and safety practices in order to change the culture of experienced, senior workers.

Regulatory framework

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

The section 6 primary general duty to take "all practical steps to ensure the safety of employees while at work" is vague. Whilst it is a recognised catch-all for the steps available to an employer in managing health and safety, as it is not prescriptive, it creates uncertainty for organisations. There is a general concern amongst FLAG members that, even though they think they are taking the correct approaches to health and safety, and investing money in policies and procedures, they still may face prosecution should something go wrong.

In addition, the current regime largely leaves organisations to self manage. This can be effective in larger organisations with dedicated resources to health and safety, but can be problematic for smaller organisations and all those which do not have dedicated health and safety leadership.

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

FLAG considers that a more prescribed approach would be desirable and we promote a regulatory framework that:

- Is risk based, aligned to OHSAS 18000 and performance managed (alignment with an internationally recognised standard of best practice will make it easier for businesses operating in overseas markets);
- Is modelled on the Australian Workplace Health and Safety Act harmonisation laws, where possible;
- Has regulations to define a minimum acceptable societal standard, with higher protection to be only as practicable within the resources of the business;
- Clearly defines the role of the Regulator;
- Is supported by codes of practice;
- Emphasises advice, with the Regulator providing 'how to' guidance to comply with, whilst not precluding other approaches (i.e. the reverse burden of proof is a secondary not primary approach);
- Is backed up by an effective, graduated enforcement regime;
- Requires 'primary duty holders' to have established formal risk management programs. This is because a lack of a consistent approach on sites/facilities could result in contract workers putting themselves and others at an unacceptable level of risk.

Regulators' roles and responsibilities

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

In general, regulators are effective in influencing health and safety outcomes, but accounts of this vary over the sector indicating that the approaches are perhaps inconsistent. Some organisations are frequently in contact with officers of the regulators, some only when something goes wrong. FLAG has a major concern at the number of roles enforcement officers have to fulfil by simultaneously looking at employment, HSNO and workplace health and safety issues during a visit.

There is from time to time a perceived view that regulators are not sufficiently aware of industry specific issues or challenges to compliance.

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

FLAG would like to promote:

- The establishment of an independent body for workplace health and safety, creating a single body responsible for the general oversight of regulation, with single focus sub-bodies for specific high risk industries or activities.
- The Regulator providing information to organisations, groups and individuals in order for them to perform well in workplace health and safety. The Regulator should play a role in the development of codes of practice with industry. In order for the regulatory framework to be supported by codes of practice, organisations would need to have or be given the resources to write the codes of practice. Many SMEs and even the larger players do not have the resources to do this.
- The Regulator enabling a 'level playing field' with an effective enforcement regime. FLAG considers that the current regime unfairly penalises those larger players who are doing the right thing, as there is insufficient quality support or enforcement for poor performers.
- The Regulator being more efficient by running short campaigns targeting major hazards in the industry, instead of having a more generalised approached.
- The Regulator being appropriately resourced, including the adjustment of remuneration packages of Enforcement Officers, to attract competent people with relevant industry experience.

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?

As mentioned in response to questions 1 and 2, the ageing population is having a noticeable impact on the freight and logistics. Whilst the younger workers are coming through with better health and safety practices as mentioned above, older workers are presenting with more physical problems and taking an increasing number of days off work through sickness and injury. FLAG suspects this is not only due to the physical element of work, but poor diet and lack of fitness.

An additional problem that FLAG has identified is the gap in the workforce that is created when the older workers retire. It seems the younger workforce is not back-filling the ageing workforce in the more physically demanding roles and often hazardous roles.

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

Freight and logistics organisations have focussed over the last few years on health and wellness for employees. As fitness and nutrition have been identified as areas requiring improvement, resources have been placed into educating employees, particularly older employees, in healthy lifestyle choices.

FLAG also considers investment in technology to be key in reducing the number of accidents and injuries in the older workforce. Resources could be placed into finding smarter ways of performing dangerous tasks, removing the risk of injury and fatality.

Worker participation and engagement

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

FLAG has found worker participation plays a vital role in developing and implementing health and safety policies and procedures in the workplace. It is important to get workers on board with their own health and safety policies as they are in a better position to identify hazards and risks on a day to day basis. Worker participation creates a better understanding and appreciation of the need for health and safety practices and how they operate. Examples of this have been seen by FLAG in the implementation of drug and alcohol policies over recent years. Workers somewhat "buy in" to the idea of a safer workplace through the absence of drugs and alcohol. Policies have been embraced and organisations and employees alike are seeing the benefits.

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

FLAG considers communication with employees to be the key. All parties need to be involved in creating health and safety procedures and implementing them. Organisations within FLAG will sometimes engage health and safety champions from within the workforce. This has created leadership opportunities for employees and workplace stakeholding in health and safety policies. FLAG suggests this as one successful way to engage worker participation in workplace health and safety.

FLAG considers information can be better shared through worker participation by being disseminated at all levels of the workforce in a less formal way, for example: discussion based rather than lecture based.

Leadership and governance

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

FLAG has noticed that larger organisations generally provide effective leadership in this area. This is mainly to do with the resources that they invest in senior leadership health and safety. These larger organisations often have senior health and safety managers, whereas directors of smaller operations will often be fulfilling the health and safety role themselves as one of many functions that a manager has to juggle at one time.

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?

It is important for industry groups to work together to share the knowledge of the leaders and more senior directors. FLAG encourages the sharing of statistics and an openness of dialogue about accidents and near misses.

FLAG is an example of how information can be shared effectively and the group encourages other industry groups to get together in a similar fashion.

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)?

FLAG has found that, in general, unless smaller firms are particularly enthusiastic about health and safety, they do not have sufficient capacity to effectively manage workplace health and safety. As mentioned earlier, this is partly because these firms often have one leader fulfilling many roles in an organisation, one of which being a health and safety manager.

Larger firms tend to have dedicated health and safety officers and the resources to effectively manage health and safety issues. FLAG has concerns that many organisations appreciate the value of investment in health and safety. The group suggests that this is short sighted and that a safe workplace is productive and in turn profitable one.

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

This will often reduce down to a question of resources, but FLAG considers improvement would be a matter of a culture shift. Joining industry groups like FLAG can assist in influencing or mentoring that culture shift and upskilling the leaders of those organisations.

Incentives

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

Incentives can be effective where they are accessible, proportionate and worth more than they cost to comply with. FLAG has found that, with discounts on ACC levies, for example, the strive to achieve them can be a costly exercise in itself and this might outweigh any financial benefits of achieving an accreditation level.

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

FLAG would like to recommend that ACC reviews its Work Safety Management Practices and Partnership programs in order to make it more assessable for all organisations to participate and also easier and more cost effective to achieve tertiary levels.

FLAG also suggests there could be incentives linked to information sharing and participation of workplaces in regulation.

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)?

FLAG has noticed a trend towards the requirement to include health and safety performance as part of a bidding process. Contractors are making decisions in favour of firms with sound health and safety standards and performance records. Therefore the market is influencing health and safety outcomes.

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?

FLAG is a good example of how industry members can influence a wide group of organisations and consequently influence health and safety outcomes beyond their own workplace. Groups such as these give the benefit of knowledge sharing and create discussion over different health and safety management techniques. FLAG encourages other industry groups to create similar forums.

Major hazards

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

There is a significant focus on major hazards, recognising that many of the larger players within the industry are owned by large overseas companies with sound health and safety practices. Many of New Zealand's health and safety challenges relate to small companies.

When enforcement officers conduct audits on companies with major hazards, they tend to focus on the larger organisations, thus the smaller companies are very seldom visited except when a major incident occurs.

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

FLAG would like to recommend the adoption of the Australian best practice model workplace health and safety regulations for major hazard facilities (the Queensland approach rather than the more prescriptive Victoria approach). This would create a more level playing field within the industry and the better management of major hazards.

Health and hazardous substances

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

N/A

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

N/A

Small to medium-sized enterprises

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

FLAG does not comprise many SMEs, but as identified above, challenges are perceived to be a lack of ability/willingness to invest in health and safety and the "one man band" management that often means a director is responsible for health and safety as only one of many management areas.

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?

FLAG considers that the more prescribed regulatory approach described in the answer to question 3 would assist SMEs to more easily comply with national health and safety requirements. Prescription could be made relative to smaller businesses.

SMEs are encouraged to join groups such as FLAG as a relatively cheap way of gaining access to advice and knowledge from experienced leaders in their sector.

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?

FLAG considers that more extensive data could be collected and disseminated by regulators. The main sources of public health and safety statistics are ACC and MBIE. However, statistics given by ACC do not show circumstances around accidents so it is difficult to take lessons away from any particular set of figures. Likewise, MBIE only shows fatalities or serious harm.

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

FLAG considers resources should be put into developing user friendly electronic data collection and access to electronic reporting and dissemination of statistics. As it stands businesses have to largely go looking for the statistics it wants to see. FLAG considers that electronic statistics updates would be helpful.

Our national culture and societal expectations

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

FLAG considers that New Zealand culture strongly influences health and safety outcomes, but that fortunately, a potentially negative attitude to health and safety is changing into a positive one. The "she'll be right" or "do it yourself" attitudes of New Zealanders, whilst usually considered positive attributes, do not sit well in a health and safety context. These attitudes lead to short cuts and unsafe practices. However, FLAG does note a gradual change in these attitudes, coming through with the more health and safety conscious younger workforce.

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

As mentioned, the younger members of the work force are beginning to display more positive attitudes to health and safety. This can only be attributable to education in the area, creating a culture of safety in our young people. FLAG considers this education should be allowed to continue to develop. Continued investment in adult learning could also assist in changing the culture of the older workforce.

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?

The Bay of Plenty Freight and Logistics Action Group (FLAG) welcomes the opportunity to submit on the Safer Workplaces Consultation Document. FLAG takes a proactive interest in Health and Safety issues and considers its members to hold valuable industry specific knowledge that could assist in the consultation process.

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.