

## To the Independent Taskforce on Workplace Health and Safety

I am making a 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 NZ 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 is 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.
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 and be regionally based.
3. Health & Safety Representative training needs additional funding and support for workers, 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. Health and Safety Representatives powers need to be strengthened and protected in the Health and Safety Regulations, particularly in relation to the issuing of Hazard Notices. Additional training and powers need to be introduced to empower Health and Safety Representatives to issue Prohibition Notices.
5. The introduction of a corporate manslaughter criminal offence into New Zealand law, similar to the UK Corporate Manslaughter and Corporate Homicide Act 2007. This [UK] Act clarifies the criminal liabilities of companies where serious failures in health and safety management result in a workplace fatality.
6. "Hazard" remains 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.
7. Higher penalties need to be considered to enforce the punitive nature of the penalties particularly if following a workplace fatality.

8. HSE Act takes precedence over all legislation if a legislative clash occurs in a workplace.
9. That a presumption of safety be included in the New Zealand legislation and that requirements for specific prescriptive regulation are made. These specific requirements should not need to relate to 'all practicable steps'.

Any other comments:

I am one of the many New Zealander's that has been directly affected by a work related accident. I grow up in a family of seven children and one adult after my father was killed at work, I was eight months old and was never able to do the normal things that a father and son would do. My mother never remarried and devoted the rest of her life caring for us and making do on what ever work she could get mainly sowing at home and outwork as the widow's benefit was only enough just to supply the necessity of life. Seeing my mother doing long hours of work as I was growing up never complaining and never having the support that only a husband and father could give has made me really passionate about health and safety in the work force so I'm 100% behind this submission to the Taskforce on Workplace Health and Safety.

Thank you for considering my submission.

I would like to speak to the Taskforce about my submission.

Yours

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