



Responsible Care®
OUR COMMITMENT TO SUSTAINABILITY

26 November 2012

**The Secretary
Independent Task Force on Workplace Health and Safety
PO Box 3705
WELLINGTON 6140**

Dear Sir,

Thank you for the opportunity to identify our members' expectations in achieving the required improvement to our unacceptable national workplace health and safety performance.

The present system is demonstratively ineffective and should be replaced with a world class system which is pragmatic and affordable, drawing on lessons learned from implementing the HSNO Act 1996.

The most critical requirement is an independent Crown Authority, working in partnership with industry to implement a hazard-based workplace health and safety (WH&S) system, requiring performance-based compliance obligations which reflect the operational risk.

Key outcomes include:

- Accountability;
- National performance standards, in the form of HSNO Approved Codes of Practice, provide best industry practice solutions together with protection from unfair prosecution.
- Measuring and reporting performance;
- Productivity and the efficient use of resources; and
- Effective enforcement.

Workplace incidents are invariably process safety failures. The global chemical industry's successful Responsible Care® initiative, which requires 'zero harm' through superior process safety, is a role model worthy of analysis.

We are keen to expand on this necessarily brief summation and would be pleased to discuss our proposals with the Task Force as it considers its findings.

Yours sincerely

**Barry S Dyer
Chief Executive
Responsible Care New Zealand Inc**

Attached: Responsible Care NZ Submission (8 hard copies + 1 CD).

Responsible Care New Zealand (RCNZ)

Submission to the Independent Task Force on Workplace Health and Safety

November 2012

- 1. Regulatory Environment** We require a regulatory environment which:
- **Retains performance-based legislation.**
 - **Is hazard based, managed according to risk and reflects international best practice, minimising 'New Zealand only' requirements.**
 - **Includes a comprehensive infrastructure encompassing national health and safety performance standards (Approved Codes of Practice), robust personnel qualifications, task related training and independent verification of compliance competency and national reporting of results.**
 - **Establishes two categories of workplace: 'High Hazard' (relatively few) and 'Low Hazard' (the majority).**

- 2. Enabling Legislation**
- **Retain performance-based legislation.**
 - **Requires a Safety Case for High Hazard sites and encourages robust site hazard assessments for less hazardous sites.**
 - **Includes amendment by reference to key international performance standards such as the Globally Harmonised System of Classification and Labelling of Chemicals (GHS).**
 - **Allocates specific responsibilities and accountability for Office Holders.**
 - **Incorporates safe chemical management. See Australian model Health and Safety Regulations 2011 (Reference 1 & 2).**
 - **Clearly defines roles and responsibilities of 'Persons in Charge' (HSNO Act model).**
 - **Instant fines for serious offences.**

3. Governance

- **New independent Crown Authority accountable to Parliament, with a Board and staff exhibiting proven leadership and industry experience, beyond direct Ministerial influence.**
- **Self-explanatory title, e.g. Workplace Health and Safety Authority (WHSA).**
- **Ex-industry chief executive.**
- **Assumes management of presently fragmented departmental responsibilities, maintenance of legislation, compliance and enforcement.**
- **Focus on enabling compliance (advice) via field staff and interactive/remote learning.**
- **Enforces accountability and responsibilities of principal office holders, the authorities, unions and employees.**
- **Assesses and reports agreed industry and departmental performance objectives.**
- **Offers professional career path including staff development and promotion on merit.**

- 4. Implementation**
- **High quality enforcement regime which encourages and facilitates compliance.**
 - **Field staff comprises knowledgeable and effective communicators, delivering compliance advice relevant to site situation.**
 - **Extensive use of technology to maximise value of site visits, record activities, report progress towards objectives and contribute to national database.**
 - **Recognize and employ proven industry 'compliance tools', e.g.**
 - ✓ **HSNO Approved Codes of Practice.**
 - ✓ **Specialist skill training by certified trainers.**
 - ✓ **Relevant personnel qualifications.**
 - ✓ **HSNO compliance software.**
 - **Secondment of selected staff to industry.**
 - **Meaningful incentives recognizing sustained superior performance.**
 - **Firm but fair enforcement.**

- 5. Employee Engagement**
- **Company health and safety infrastructure.**
 - **Require appointment of HSNO style 'Person in Charge'.**
 - ✓ **Encourage regular staff debate of site health and safety issues.**
 - ✓ **Election of site Health and Safety Committee where appropriate**
 - ✓ **Best person for the job – not union delegate prerogative.**
 - **Health and safety leader able to stop unsafe work and help resolve issues.**

6. Raise Awareness

- **Initiate study of when education about basic risk management would have maximum impact on target audience of future workforce:**
 - ✓ **Schools (Year 11-13).**
 - ✓ **Apprentice courses.**
 - ✓ **University courses.**
 - ✓ **Online education programmes.**
 - ✓ **Online compliance tools, e.g. HSNO compliance software.**

- **Upgrade HSNO Approved Handler concept and extend to cover workplace health and safety issues.**

- **Reward and acknowledge superior performance.**

- **Operate and promote activities under a single, memorable 'Brand', e.g. 'Zero Harm'.**

7. Establish National Database Report Progress

- **Develop effective definition of 'Serious Harm'.**

- **Reinstate National Occupational Health and Safety Advisory Committee (NOHSC) equivalent to conduct credible research.**

- **Introduce transparent national safety and health performance reporting, e.g.**
 - ✓ **Deaths.**
 - ✓ **Serious Harm.**
 - ✓ **Site hazard designation.**
 - ✓ **HSNO test certification.**
 - **Approved Handlers**
 - **Locations.**
 - **Stationary Container Systems.**
 - **Facilities.**
 - **Test Certifiers.**
 - ✓ **Safety case.**
 - ✓ **Emergency plans.**

- **Use comprehensive site compliance report software generated by HSNO enforcement officers and industry, to compile national database of site hazards and compliance record.**

8. Set Realistic Performance Expectations

- **Expensive public relations campaigns are unlikely to achieve desired outcome, e.g.**
 - **\$400m p.a. maintains the road toll at approximately 350 p.a rather than elimination.**
 - **Non-sustainable campaigns largely ineffective.**
 - **\$50m project reduced speed-related motoring offences by less than 16%.**

- **Provide resources to proven industry initiatives such as:**
 - ✓ **Codes of Practice.**
 - ✓ **Credible training.**
 - ✓ **Site compliance assessments.**
 - ✓ **'Compliance tools'.**

- **Incentives for high achievers:**
 - ✓ **Insurance rebates.**
 - ✓ **Extension of licences, test certificates, inspections.**

Glossary

GHS	UN Globally Harmonised System for Classifying and Labelling Chemicals.
Global Charter	The nine fundamental requirements of the global chemical industry's Responsible Care® initiative.
Hazard	Hazard x Volume = Risk
H&SE	Health, Safety and Employment Act 1992.
HSNO	Hazardous Substances and New Organisms Act 1996.
HS Regs	Hazardous Substances Regulations 2001.
Performance Standard	A statement of the performance required of a person or process for safely managing the hazard through the life cycle of the action, item, or facility.
Responsible Care®	International chemical industry's health, safety and environmental protection initiative.
Safety Case	A safety management process underpinned by performance standards. Used to assess compliance, measure performance and confirm the efficacy of the duty holder's responsibilities.
SH&E	Safety, Health and Environmental.
WH&S	Workplace Health and Safety.

References

Work Health and Safety Act 2011	Australia
Work Health and Safety Regulations 2011	Australia
Review of the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999	

Responsible Care New Zealand Inc (RCNZ)

Introduction

Responsible Care New Zealand (RCNZ) members are involved in the manufacture, importation, storage, distribution, transport, use and disposal of dangerous goods and hazardous substances. Partners include the Armed Forces, government departments, the NZ Fire Service, and emergency response organisations.

Key activities include:

- The provision of technical advice on safety, health and environmental (SH&E) performance, particularly the safe management of chemicals.
- Enabling compliance with workplace health and safety legislation, particularly the HSNO act 1996.
- The development of national performance standards, i.e. HSNO Approved Codes of Practice.
- Site SH&E performance and compliance auditing.
- Provision of emergency management services.

This is achieved through **Responsible Care®**, the global chemical industry's SH&E protection initiative, implemented in 62 countries worldwide.

Responsible Care is recognized by the UN as the leading voluntary industry contribution to health and safety.

Products and Services

RCNZ offers business operators unique 'compliance tools' including:

- **0800 CHEMCALL® Emergency Response Advisory Service**

The popular CHEMCALL® 24/7 emergency response service helps subscribers and the emergency services to successfully manage chemical incidents throughout Australasia.

- **PRINCE® Site Compliance Assessments**

PRINCE® awards recognise superior SH&E performance at sites ranging from chemical manufacturers to schools.

- **Approved Codes of Practice**

Approved Codes provide the **preferred solution** for demonstrating compliance and enabling enforcement, while providing a defence against prosecution.

RCNZ provides a 'one stop shop' to enable employers to meet their legal and moral compliance obligations under New Zealand's demanding workplace health and safety legislation.

Responsible Care® **GLOBAL CHARTER**



Responsible Care®

Responsible Care® is the global chemical industry's environmental, health and safety (EHS) initiative to drive continuous improvement in performance. It achieves this objective by meeting and going beyond legislative and regulatory compliance, and by adopting cooperative and voluntary initiatives with government and other stakeholders. Responsible Care is both an ethic and a commitment that seeks to build confidence and trust in an industry that is essential to improving living standards and the quality of life.

The Responsible Care Global Charter arose from an examination of chemical industry practices and performance that has evolved since the mid-1980s, and was shaped by considering the recommendations of independent stakeholders from around the world. The Charter goes beyond the original elements of Responsible Care since its inception in 1985. It also focuses on new and important challenges facing the chemical industry and global society, including the growing public dialogue over sustainable development, public health issues related to the use of chemical products, the need for greater industry transparency, and the opportunity to achieve greater harmonization and consistency among the national Responsible Care programmes currently implemented. The International Council of Chemical Associations (ICCA), through Responsible Care, will continue to undertake actions consistent with the environmental principles of the United Nations Global Compact.

THE RESPONSIBLE CARE GLOBAL CHARTER CONTAINS NINE KEY ELEMENTS:

1. ADOPT GLOBAL RESPONSIBLE CARE CORE PRINCIPLES.

The Global Responsible Care Core Principles commit companies and national associations to work together to:

- ❑ Continuously improve the environmental, health and safety knowledge and performance of our technologies, processes and products over their life cycles so as to avoid harm to people and the environment.
- ❑ Use resources efficiently and minimise waste.
- ❑ Report openly on performance, achievements and shortcomings.
- ❑ Listen, engage and work with

people to understand and address their concerns and expectations.

- ❑ Cooperate with governments and organisations in the development and implementation of effective regulations and standards, and to meet or go beyond them.
- ❑ Provide help and advice to foster the responsible management of chemicals by all those who manage and use them along the product chain.

2. IMPLEMENT FUNDAMENTAL FEATURES OF NATIONAL RESPONSIBLE CARE PROGRAMMES.

Each national chemical association establishes and manages its own

national Responsible Care programme based on a set of eight common fundamental features. They are:

- ❑ Establish and implement a set of Guiding Principles that member companies sign.
- ❑ Adopt a title and logo that are consistent with Responsible Care.
- ❑ Implement management practices through a series of systems, codes, policies or guidance documents to assist companies to achieve better performance.
- ❑ Develop a set of performance indicators against which improvements can be measured.
- ❑ Communicate with interested parties inside and outside

- the membership.
- ❑ Share best practices through information networks.
 - ❑ Encourage all association member companies to commit to and participate in Responsible Care.
 - ❑ Introduce and apply systematic procedures to verify the implementation of the measurable elements of Responsible Care by member companies.

Industry leaders support the national associations in the fulfillment of these fundamental features. The Charter defines specific commitments consistent with the fundamental features.

3. COMMIT TO ADVANCING SUSTAINABLE DEVELOPMENT.

Responsible Care is a uniquely designed initiative that enables the global chemical industry to make a strong contribution to sustainable development. Through improved performance, expanded economic opportunities, and the development of innovative technologies and other solutions to societal problems, the industry will continue taking practical steps to implement initiatives in support of sustainable development. The industry will expand its dialogue with stakeholders to identify additional opportunities to contribute to sustainable development through Responsible Care.

The chemical industry recognizes the important contribution that can be made through capacity building of the sound management of chemicals to achieve sustainable development goals. The industry will continue to

support national and international initiatives to advance these goals.

4. CONTINUOUSLY IMPROVE AND REPORT PERFORMANCE.

Each chemical company that implements Responsible Care is expected to collect and report data for a core set of environmental, health and safety performance measures. Each national association is expected to collect, collate and report this data from its members in each country. The data will also be collated and reported publicly at the international level and be updated every two years at a minimum.

In order to continue to achieve improved performance, each national association that implements Responsible Care will:

- ❑ Periodically assess, with the participation of their members, stakeholder expectations for expanded or modified performance reporting or other aspects of performance.
- ❑ Commit to providing practical help and support in sharing and adopting best practices to improve environmental, health and safety performance, and other assistance related to Responsible Care implementation needs.

Chemical companies that implement Responsible Care will:

- ❑ Adopt a management systems approach to implement their Responsible Care commitments consisting of the internationally accepted elements of Plan-Do-Check-Act.

- ❑ Utilize clean and safe technologies and processes when building new plants or expanding their current facilities around the world.
- ❑ Go beyond self-assessment of the implementation of Responsible Care and adopt verification processes carried out either by associations, government bodies or other external organisations.

5. ENHANCE THE MANAGEMENT OF CHEMICAL PRODUCTS WORLDWIDE – PRODUCT STEWARDSHIP.

Product stewardship issues will increasingly shape the Responsible Care initiative in future years. The ICCA will establish a strengthened global programme to evaluate and manage chemical-related risks and benefits by developing a unified product stewardship management system approach. This approach will be in place by 2006.

National associations, working with their member companies, will commit to this concerted global effort by establishing processes for Responsible Care companies to:

- ❑ Re-commit to full implementation of current Responsible Care product stewardship commitments, including all existing codes, guidelines and practices.
- ❑ Improve product stewardship performance and increase public awareness of the industry's commitments and results.
- ❑ Develop and share best practices through mutual assistance.
- ❑ Work in partnership with upstream suppliers and downstream

GLOBAL CHARTER

- chemical users to collaborate on improved processes for the safe and effective uses of chemicals.
- Encourage and sustain support for education, research and testing approaches that will yield useful information about the risks and benefits of chemicals through such initiatives as the High Production Volume chemical testing programme and the Long-range Research Initiative.
 - Implement enhanced product stewardship commitments consistent with the ICCA's Global Chemicals Management Policy, and periodically assess product stewardship practices in the light of evolving societal expectations for chemical products.

6. CHAMPION AND FACILITATE THE EXTENSION OF RESPONSIBLE CARE ALONG THE CHEMICAL INDUSTRY'S VALUE CHAIN.

Responsible Care companies and associations commit to promoting the Responsible Care ethic, principles and practices along their own value chains and communicating the importance of the industry's economic and social contributions. Chemical companies and national associations commit to increase dialogue and transparency with their

business partners and other stakeholders and to expand knowledge and understanding of the management of chemicals. They will also work in partnership with national governments, multi-lateral and non-governmental organisations to define mutual assistance priorities and share access to information and expertise. The global chemical industry will develop and share information and practices across companies consistent with competition law and other legal requirements.

7. ACTIVELY SUPPORT NATIONAL AND GLOBAL RESPONSIBLE CARE GOVERNANCE PROCESSES.

The chemical industry, through the ICCA, commits to an enhanced, transparent and effective global governance process to ensure accountability in the collective implementation of Responsible Care. The governance process will be implemented by the ICCA and will incorporate such issues as tracking and communicating performance commitments; defining and monitoring the implementation of Responsible Care obligations; supporting national association governance; helping companies and associations to achieve Charter

commitments; and establishing a global process for revoking, when necessary, the Responsible Care status of any company or association that fails to meet its commitments.

8. ADDRESS STAKEHOLDER EXPECTATIONS ABOUT CHEMICAL INDUSTRY ACTIVITIES AND PRODUCTS.

The global chemical industry will extend existing local, national and global dialogue processes to enable the industry to address the concerns and expectations of external stakeholders to aid in the continuing development of Responsible Care.

9. PROVIDE APPROPRIATE RESOURCES TO EFFECTIVELY IMPLEMENT RESPONSIBLE CARE.

Responsible Care is the signature performance initiative of the chemical industry and will have an increasingly important part to play as a basis for the industry's views in societal and regulatory discussions. Companies participating in Responsible Care must support and meet the requirements of the national programmes and provide sufficient resources for implementation.

Only the English language version is the official document



INTERNATIONAL
COUNCIL OF
CHEMICAL
ASSOCIATIONS



Responsible Care®

For further information visit
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