

Health and Safety in New Zealand Submission

Credentials of this submission's author

My specialist area is introducing workplace behavioral change. I have been involved in health and safety in the workplace for the last 30 years. During this time I have worked in many different industries within New Zealand and overseas.

In New Zealand, I have initiated and installed successful programmes for TranzRail, Carter Holt Harvey, Winstone Aggregates, Coalcorp, Holcim and many other organizations.

My articles have been printed around the world in a wide variety of publications.

Introduction

There are a number of related areas that have contributed to a failure of the Health and Safety regime in this country. There can be no argument that since the advent of the Health and Safety in Employment in the early 1990's, there has been no recognized improvement in the workplace safety performance. This is in the face of the expenditure of millions of dollars, the creation of H&S departments and all sorts of other activities that have had no positive effect on workplace safety.

At present, we kill about 100 people a year in the workplace. This figure has remained reasonably constant for the last 20 years. This outcome is a terrible testament to our failure to respond effectively to our poor performance. Internationally, our safety performance is extremely low when comparing workplace fatalities with other developed countries.

Because of the complexity of the situation, there is no single solution, there is no "magic bullet." Instead, there are a number of contributing factors and they are all interlinked. For the purposes of this submission they have been separated for ease of understanding but it is clear that unless they are all modified, the appropriate behavior will not occur in the workplace.

Leadership

One of the biggest problems that we are faced with in New Zealand is the complete lack of leadership skill demonstrated by so many managers. However, the managers cannot be held accountable for their lack of leadership. Most businesses promote people into managerial positions because of skills that don't include leadership. Having done this they either don't train them or expose them to ineffective training.

As a result they often only have one tool in their leadership toolkit. This tool comprises threats and punishment. So people are given non-compliance notices, verbal warnings and written warnings.

There haven't been many cases where people have improved their performance as they have been treated progressively worse.

Our leadership training is of a lower quality. We have leadership courses promoted by universities lasting 2 and 3 days. These are largely money making exercises and do not result in any transfer of learning to the workplace. Commercial courses also fail to focus on the behavioral change necessary to achieve results back in the workplace.

You cannot learn or develop leadership skills in two days or a week, it is a practical subject that requires practice over many years. We have tried to make it into an academic learning exercise when it is clearly a practical skill and the results are entirely predictable.

It's regrettable to say that millions of dollars are spent on training with no evidence of on-the-job transfer. Training, with such a high potential contribution to make, is not providing a satisfactory solution. It has fallen short of the task. Most of the training has been operating on shaky assumptions, using inappropriate methods, relied on untested theories, followed fads, ignored evaluation research, and does not define the behaviour sought.

There is no point sending them on an adventure course so they can learn to abseil, canoe and fall off cliff faces. Research is shown that they often return from these adventures, worse off than when they started.

Leadership training is organic and emotional and firmly based in the workplace where it is applied. There is no way that we can replicate the workplace in the classroom, yet every day hundreds of thousands of people attend courses that have limited value because of their distance from the action. Leadership training anywhere apart from the place it is going to be applied, will be largely irrelevant and wasted.

A Solution That Works

Leadership training should comprise the understanding of principles and then the practical application in the workplace. Followed by feedback from a leadership coach. If necessary, this should happen on several occasions with each single principle until the learner has clearly learned how to apply it in a variety of situations.

Anything less than this, is a huge disservice to the people trying to learn leadership. Unless there is a complete revolution in the way that we train leaders, we will be constantly short of people who are effective in this role.

When you think about it carefully, there would be a great social change in this country if anyone could become an engineer, a lawyer or dentist by attending a short training course. The skills of leadership are of no less magnitude of those practised by the professional person. In fact, they may be greater.

Currently, education is confused with training and management is confused with leadership.

Training

As mentioned in the previous segment, our current results are a reflection of our training methods that are not centered on the learners. We have taken a “one size fits all” approach and put people into training programmes without discovering if they are willing to learn. We have ignored their learning style, their speed of learning, their retention levels, their existing knowledge and skill, their experience, their ability to translate learning into workplace behaviour and then after the training course, we have abandoned them.

The transfer of learning to workplace behaviour is a clear measure of the success of a training programme. Ask yourself, did your last training course prepare you for the learning process, were there clear objectives agreed with you prior to the training, was there a supportive environment after the training, did you receive coaching in the desired behaviour, was the training relevant to your workplace situation, did you receive positive reinforcement and feedback after the training? Without these elements it is very hard for training to be effective.

We need to design training based of how people learn rather than focus our attention on completing page 23 by 3.00pm. Our training is focused on all sorts of things rather than the learners.

At this stage, consider a sobering thought. Every victim of a workplace fatal accident has been trained but not learned.

Again, this is a reflection of our leadership and training.

When skill training is regarded as important as cognitive learning (the acquisition of knowledge), organisations will have their greatest opportunity to improve their performance. Cognitive learning does not help supervisors and managers any more than it helps swimmers. They will drown the first time they jump in the water if the their coach never gets them wet gradually and

gives them encouragement and feedback on their performance. In other words reading a book, watching a video or listening to a lecture does little to develop skill.

We have adopted an academic model for training which plainly doesn't work. We have filled people with knowledge and ignored skill development. In the field of human behaviour, it is clear that knowing doesn't equal doing. This is one of the reasons we have so many workplace accidents.

A good example is as follows. A corporate client had a clear "lock out" procedure and policy. There was no doubt about what was required. They ran regular training courses and produced an expensive manual with plenty of diagrams and photos. The outcome was terrible. In spite of their best efforts in training there were a series of breaches of the stated policy and some managers lost their jobs for putting staff at risk.

The training didn't work for a couple of obvious reasons. It took place in a training room and comprised a lecture, followed by a discussion and a video. At no time did the learners actually go on site and practice locking out machinery and understand the consequences if this was not carried out.

This is basic stuff but it took place in a multinational company with sites in this country.

Another large corporation insists on subjecting contractors to a two day induction process that takes place in a classroom where they are informed of all the hazards on site. The chances of any information being retained or acted on, is extremely remote. However, the corporation has completed an effective CYA exercise and this is typical of so many so-called, Health and Safety initiatives.

A much better approach would be to have a staff member take the contractor around the site for the contractor to identify the hazards and explain how they are going to avoid being hurt. This would increase their engagement because they would be actively looking to protect themselves.

Regrettably, most of the activities carried out under the guise of Health and Safety are not designed to change behavior but to tick boxes and ensure that the organization is not vulnerable to blame. This is one of the reasons why the regime in this country is ineffective. Our objectives are incorrect and our methods just don't work.

Safety Culture

There is a considerable amount of nonsense spoken about safety culture in workplaces and the Kiwi attitude of "she'll be right." We make the fundamental

mistake of focusing on attitude when we should be focusing on behaviour. Behavior is not necessarily a reflection of attitude. You can measure behaviour, you can coach behaviour but regrettably, you cannot accurately do the same with attitude. There is a misguided belief that behaviour is always a reflection of attitude.

It's a copout to justify our terrible workplace accident record by ascribing it to the Kiwi attitude. The prevailing workplace accident incidents are clearly due to our lack of leadership and failed training programs. To blame the Kiwi attitude it is exactly the same as blaming the victim for the accident.

In this country we have a blame mentality when it comes to Health and Safety in the workplace. This is reinforced by the Department of Labour and passed on down to the accident victims through the employers.

In some cases, the investigation methods have driven reporting underground. Essentially, it is used as a way of blaming the victim. Anecdotal evidence points quite clearly to people hiding workplace accidents because of the use of blame.

On the other hand, if the culture of the organization is one where blame is common, then not only is the manager blamed but also the victim. This will also put a lot of downward pressure on statistics.

Our whole concept of safety in the workplace is totally misguided. The results speak for themselves. We are using slogans like "zero harm," "zero accidents" and "zero injuries" with the pious hope that they will come true. These slogans are promoted by people who have no credibility in the workplace because they are so far removed from the reality of the life of a worker.

Look at it from a logical point of view. If you want to deliver a safety message then you have to identify the people who have the credibility to do so. The only arbiters of credibility are the people who are to receive the message. If they don't trust or believe the messenger, they will ignore the message.

Unfortunately, the health and safety industry is full of non-practical people who lack credibility and can only try to achieve results by using accountability. This has created an environment of fear in the workplace because of a not very subtle culture of blame.

Regulatory bodies have determined that if you have risks in the workplace you will have harm. This means that the legislation is designed to remove risk. The problem is that totally removing risk is an impossible task. If it were possible, we would not have the alarming number of fatalities and injuries every week.

We have people writing rules, procedures and regulations who have never operated in the real world. When the experienced operators encounter these new rules, they understand clearly that they have been written by somebody who has no practical knowledge or experience. This immediately erodes any trust that may have existed.

The solution is frighteningly simple. Let the people at risk, design their own safe working practices. Harnessing this knowledge and experience will require a higher standard of leadership but the outcome will be much improved.

Behaviour and incentives

In spite of our best efforts, we have driven health and safety underground by the use of blame and an over-dependence on unreliable statistics.

Providing incentives for a reduction in accidents it is profoundly stupid. We have seen repeatedly around the world examples where executives have received incentives for improving safety records. The only thing that changes is the level of reporting. The same can be said for productivity and production bonuses because the wrong behaviour will be rewarded and reinforced.

Where boards of directors approve these sorts of bonuses they should be accountable for the subsequent accidents and fatalities. In other words, they should be prosecuted because they have contributed to the creation of a working environment where safety ceases to become the number one priority and is replaced by some other activity.

Application and measurement

"Safety statistics " are unreliable for a number of reasons. It is possible to work unsafely and not contribute to the statistics, which means that injury numbers and "near hit" figures are not the best indicator of workplace safety. ACC claims may drop because the pressure is increased not to accept them but safety will not necessarily improve.

Where there is reward or punishment for reporting, statistics will fall. For example, if a senior manager has an "at risk portion of salary," based on safety statistics, human nature takes over. A principle of human behavior states that, "Things which get rewarded or recognized--get done." This will lead to a reduction in statistics but safety will not improve.

Probably the most common way to try and bring about change in the workplace, is to use an outside influence such as punishment or reward. One method is to prescribe the desired change in behaviour and then set up a regime of compliance.

This tends to develop a “catch ‘em doing wrong” pattern of behaviour among managers and supervisors. This in turn creates winners and losers and normally fails to develop a safer workplace. If the staff perceive themselves as losers, they will get their revenge on the organisation in many varied and subtle ways.

The other way is the reward method. “If you don’t hurt yourself, (or report accidents) you will receive a reward.”

Neither of them work because they are external influences when the desired situation is internal motivation to work safely.

Another method which is in vogue currently, is to “empower” the staff. Often this is regarded as condescending and paternalistic. The staff see themselves as empowered to influence the insignificant and not the significant. This approach, like so many management fads, misses the vital ingredient of understanding human behaviour and common sense.

The problem faced by many people who want to lead change in the workplace, is that they are not credible enough to be believed or trusted. Where employee relationships are not good, the staff will always take the negative interpretation of a management initiative.

In one organisation, a rehabilitation programme for injured workers, was perceived to be punishment for incurring a work injury. It was believed that the injured person was forced to return to work to save the company money.

It seems that the most credible people in the workplace are often the elected representatives of the workers. Unlike managers and supervisors, they are elected by their peers. They are considered to be the people who can best represent the majority of staff.

In other words, they are generally trusted. The representatives know that if they fail to do a good job they will not get re-elected. It is a position which is truly performance based, because they are under daily scrutiny by their peers. Compare this situation to the average manager or supervisor.

Remember, you can always fool your boss, and you can fool your staff for a short time, but you can never fool your peers. Utilising this understanding, we ran a pilot programme in a traditionally dangerous industry.

We worked with a group of people in what has been described as a “dangerous” industry. The company had received a lot of media attention because of a significant number of workplace injuries and fatalities that took place in a relatively short time.

The existing safety regime was prescribed by the management and used a processes of issuing non-compliance notices to staff who were caught breaking safety rules. Relationships between the staff and the managers was adversarial.

The process we used was simple but not easy. The initial part of the process was to lobby the staff through the elected union representative to find out the amount of support which could be anticipated. When it was established that there was sufficient support, the next part of the process was to meet with all the staff and elect a group of people who would represent their safety interests.

I was not surprised to find that the elected people had experience of union representation or commanded considerable respect from their peers. This team of people examined the workplace behaviour and assessed the risks with the staff.

After this, the staff examined the “at risk” situations when someone could be injured and went on to recommend alternative work methods, systems and behaviour. This meant that the safe practices were designed by the people doing the job and who were at risk. During this time, the elected team gave a lot of support and help. In turn, they were supported by some of the management of the organisation. Effectively, the people at risk designed their safe working rules and culture.

Using the principles described above, it was found that the rest of the workforce quickly picked up the safety message delivered by people they perceived as trustworthy, knowledgeable and credible. The rules made sense, so they followed them.

One of the most important factors appeared to be the belief that their representatives were totally focused on doing the best for their members. Because the safety parameters were designed and endorsed by the staff, it made sense to all concerned and the change in behaviour patterns took place without much difficulty.

Today, the staff and their representatives remind their colleagues if they perform an “at risk behaviour.” What they are doing is constantly coaching for safer behaviour.

The method does not violate the process by which all workplaces function. Instead it harnesses the relationships within the peer group to achieve worthwhile change. The workplace culture, as in all cases, is set by the staff.

The organisation tried to duplicate this process and failed miserably. They failed for the following reasons:

- 1) They tried to prescribe change.
- 2) They were not credible nor were they trusted.
- 3) They failed to understand that this is not a “one size fits all” process.
- 4) They imposed a timetable because they failed to appreciate that this is an organic process.
- 5) They failed to listen.
- 6) They thought they knew better than the people at risk.
- 7) They found working with a trade union unpalatable.
- 8) They failed because they lacked the necessary leadership skills.
- 9) They only paid lip service to the process and denied the necessary support.
- 10) They tried to dominate the process.

The pilot programme took ten months, and represented the greatest change in the safety of this workplace during the last 100 years of operation. The reason why it was so successful was because it did not include the ten points above.

At the sharp end

There is a constant stream of opinion from people who are not at the sharp end of workplace Health and Safety. This means that they are largely immune to the practical needs of the people at risk. They propound plenty of theories regarding safe working but precious little effective practice.

We cannot create an environment to improve workplace safety sitting in offices, we must apply ourselves to harnessing the common sense and practical skills of our workforce and that will require a special sort of leadership.

Workplace safety is a practical activity. It is centered on what people do. Until this is woven into our leadership and management, we will not reach our safety objectives.

This submission can be summed up by the following laws.

The Seven Immutable Laws of Safe Behaviour

1) Knowing does NOT equal doing

We labour under the mistaken belief that if somebody knows something, they will do it. Check yourself. You know that you shouldn't do something, for the good of your health, your relationships or your bank balance, yet you do it. You know that you should start that task now because of future time restraints, but you put it off. We are very good at telling people to work safely and they don't want to hurt themselves but they do.

All our safety training is based on knowledge, such as knowledge of hazards, knowledge of rules, knowledge of procedures and knowledge of

safe methods. All this knowledge has led us to the current situation where we have unsafe behaviour and an unacceptable level of fatalities and accidents. An honest evaluation will show that it's not working.

2) Only the people who are doing the job, can draw the line between safe and unsafe behaviour.

This will cause some problems because it is way outside the comfort zones of most organisations. If its not the people doing the job, who should do this? All our attempts at prescribing safe working have failed dismally. The people doing the job have a unique view of safety, their safety. Having prescriptive safety rules and safe working practices drawn up by people removed from the workplace is never going to be a practical and workable solution. The people on-the-job sneer at the concept and the practice. Don't forget these are the people that make your profit. Why impose unreasonable conditions on them?

3) The people who draw the line should decide the consequences of crossing it.

This is an intelligent way to deal with the sanctions of non-compliance. By dealing with the situation in advance, all parties have agreed to the consequences before there is an emotionally charged situation. The universal approval means that everyone is aware of what will happen if the line is crossed. This can be used in safety talks, briefings and promoted by the immediate supervisor. It becomes an accepted standard of behaviour.

4) Any safe behaviour must be designed and approved by the people doing the job

The people doing the job know best. Again, this may cause some angst and corporate teeth gnashing but check out the logic. We are not competent to design safe working practices when we never perform them. This concept cuts across all our imposed systems, procedures and methods but unless we change our ineffectual models, we will continue to investigate accidents and fatalities. It is our choice. Should we be courageous and admit we can do better or blindly continue accepting unsafe workplace behaviour through poor policies and ineffective training?

5) All safety rules must pass the TSR test of those carrying them out

We all have a TSR test that we apply to new experiences, new ideas, work restrictions, rules, regulations and many things in our life. TSR stands for That Seems Reasonable. We judge most things to which we are exposed and apply this test. If someone says something that fails our TSR test we just don't believe them. If we are asked or forced to do something that fails our TSR test we will avoid it. Many of the safety rules generated by desk bound "experts" fall into this category. Blanket rules are a good example where behaviour is prescribed that is incongruous or downright

stupid. This has led to many examples of the safety tail wagging the organizational dog.

6) Any safety rule prescribed by people not doing the job will be subjected to rules 2 to 5 and modified to meet local conditions

This needs no explanation.

7) Any safety rule or procedure that hinders or prevents people from doing their jobs, will go through the assessment of rules 2 to 5 and modified

This needs no explanation.

If You Violate These Rules

- 1) You won't get compliance.
- 2) You will get unsafe behaviour.
- 3) Your staff will not respect the organization or the people who have to administer the ineffective rules.
- 4) Discretionary Effort among your staff will be abysmally low.
- 5) Trying to excuse or justify unreasonable safety rules lowers morale and destroys credibility.
- 6) People will try and avoid the prescribed behaviour.
- 7) You are only left with discipline to try and get compliance and you will fail now, and in the future, as in the past.

These rules are based on experience, testing and re-testing. If they make you feel uncomfortable, there is no apology. You probably won't like them but you will not change your thinking until you personally feel the pain that your current methods are creating.

Check the logic out. If you don't train properly. There will be incidents when people break the prescribed rules. You are left with few alternative, so you sack the person. The cost to the individual is huge, the cost to the organization is massive because the remainder of the staff withdraw their discretionary effort.

If an organization loses its credibility with its employees, it will find it very hard to be successful in today's business environment.

There is an unintended consequence of changes to employment laws. When somebody is employed under a 90 day probationary period it is most unlikely that they would report accidents or incidents because this may make them vulnerable to dismissal.