



Submissions
Independent Taskforce on Workplace Health and Safety
P.O. Box 3705
Wellington 6140

14 November 14, 2012

The Secretary
Dear Sir

Submission on behalf of Tata Steel International (Australasia) Ltd

Tata Steel International in New Zealand is involved in the daily handling of sharp and heavy metal objects. We try to protect our workers from mechanical and manual handling injuries such as crushing, cuts and punctures, sprains and strains and slip, trip and fall injuries. We believe that accidents of one sort or another are inevitable. Our focus is on attempting to keep the number of unexpected events to an absolute minimum and to do whatever we can to reduce the effect of those events on people, places and things. We try to reduce the effect of luck on the outcome of these events by ensuring that if something does go wrong then nobody and nothing is in the way, other than a safety barrier.

The documents produced by the Taskforce make it clear that the safety record of individuals and organisations in New Zealand is unacceptable and that major change is in order. We accept that this is true but we believe the NZ Government will not consider itself in a position to spend huge amounts of resource, either in the short or long term, to make changes. Our submission is therefore based on everybody working "smarter not harder" to achieve the desired results.

Who gets hurt, killed or suffers from ill-health or disease as a result of work?

Questions 1 and 2 are not relevant to our submission.

Regulatory framework/ Regulators' roles and responsibilities

If we are to look forward rather than backwards we need to consider what is desirable rather than what exists now. From this point of view we need to establish how Government, Ministries and related NGOs can help improve the situation.

- The role of Government should be to set a framework of laws and regulations that tell everybody what they shall and shall not do to protect our health and safety and to provide the resources for the ministries and NGOs to act on our behalf to ensure compliance.
- Regulators should ensure compliance by making sure everybody knows what that framework requires of them and they should also investigate failures and potential failures, including reported and unreported hazards and near misses, to achieve compliance.
 - The regulator should provide H&S audits identifying to what degree compliance is being achieved. They should also provide training and suggestions about how to ensure compliance. Their activities should be aimed at
 1. ensuring that worthwhile systems are in place; and
 2. verifying that any systems which are in place are implemented effectively.
 - The arm that prosecutes compliance failures must be separate from the arm that is intended to aid compliance, even though a large part of their skill sets will be common. The arm which provides advice and guidance will probably subcontract accredited trainers and auditors but prosecutions must be undertaken by ministerial employees, whose skills and knowledge must be at least equal to those of accredited subcontractors.
 - The regulator will be required to set and monitor standards of capacity and capability in these agencies' H&S skills and knowledge.

TATA STEEL
Tata Steel International (Australasia) Ltd

New Zealand's changing workforce and work arrangements.

Any new framework must work equally well for the person who buys a ladder and a bucket to set up a window cleaning business for a few hours each week as it does for such organisations as Fonterra and the like. It must capture a person's home or vehicle as a workplace as comprehensively as it captures a shop, warehouse or factory and it must cover central and local government financed workplaces and not-for-profit organisations as well as businesses and commercial enterprises.

Worker participation and engagement

We cannot make people care. Over time people have, arguably, been persuaded to wear seat belts in cars, to reduce the amount of tobacco they consume and to reduce the levels of violence in the community. Those efforts consumed many years of work and countless millions of dollars. Without similar resources a different route must be followed.

Different people accept different levels of risk, either consciously or unconsciously. Achieving commitment will require subtlety if it is to overcome deliberate or careless resistance. It will require committed leadership. If leaders lead then people will follow.

Leadership and governance

This heading implies a reference to large organisations. The solution must involve the man with a ladder and bucket referred to above as well as the over-extended small business owner who currently ranks the health and safety of his two to ten workers a far lower priority than keeping his head above water. It must also be relevant for company directors, Ministers and heads of Government departments and their agencies.

Leadership in H&S must include politicians who are prepared to "walk the walk", with Government agencies setting high standards for the commercial, industrial and voluntary sectors to match.

Capacity and capability of the workplace health and safety system

If senior managers, Board members and the SME business owners become committed to focusing on the results of their health and safety systems they will ensure that capacity and capability problems are dealt with effectively. The main problem facing the Taskforce is how to raise the profile of health and safety to the degree that it becomes a management concern rather than something to which they may only pay lip service or no attention at all.

Incentives/Influencing health and safety outcomes beyond one's own workplace

Organisations and individuals are naturally competitive to some degree or other. By having the regulators publish the results of accidents, audits and investigations as widely as possible organisations will naturally compare their results with those of their peers and competitors. As they come to respect the integrity and meaning of the data they will move towards "safer" activities and to shun those activities that are more harmful. Whilst at the moment price and quality are the main drivers of purchasing and investment decisions the risks associated with using "unsafe" sources can gradually become a more and more important part of the decision making process. Some organisations will still be drawn to the cheap and nasty option but if the perceived value of safer options increases the comfort they generate will ensure they will be used more frequently in an improving spiral.

Major hazards/ Health and hazardous substances

Recent incidents (Pike River/ the Canterbury earthquakes/ the Rena grounding) have brought an unwelcome but possibly necessary focus on these types of hazards. Tata Steel is not competent to provide meaningful comment but any "high hazards" flag bearer must include road and off-road traffic hazards. Any flag bearer which ignores a single fatality or permanent maiming accident is doing a dis-service to the friends and family of the victim.

Small to medium sized enterprises

Health and safety matters are secondary to survival for a large proportion of SMEs and to some larger enterprises. Until a focus on H&S becomes a factor in that survival it will remain a concern based only on the idiosyncrasies of enterprise leaders. To be effective any new framework must make H&S

a survival issue based on pressure from the customers, suppliers and business or social contacts of every enterprise leader – whether a senior, middle or line manager. He or she must be encouraged to actively support positive health or safety related initiatives; trying to remove unsafe attitudes and practices from his/her employees and business contacts.

Measurement and data

Under the new framework accident and illness data must be generated by the medical profession with additional information being provided by employers as necessary and appropriate. At the moment the medical profession has no real interest in identifying whether an injury or illness was caused by social, domestic or work related situations. Managers have a vested interest in trying to minimize the apparent results of their activities as causes of illness and injury and their seriousness. Current data is therefore highly unreliable and if the Government is to achieve its stated targets this must change.

If this situation is to improve a major focus of government agencies must become the collection, verification and publication of work related accident, illness and associated data. They must therefore be given significantly enhanced investigative and training skills and responsibilities as well as the means to make that data public.

Without compromising the privacy of affected individuals all accident and work related illness information must be made public and linked not only to the enterprises associated with the immediate event but also to those associated with anything that may have impacted on it (e.g. machinery designers, installers or importers). When every individual employer and enterprise becomes used to the fact that this data and the existence and effectiveness of their prevention initiatives **WILL** be made public they will make sure that the information is accurate and beneficial. They will want to become involved in preventive measures and to publicise that involvement.

Our national culture and societal expectations

“She will not be right” unless we do something to make her change her ways. The young are bullet proof and do not foresee the potential results of unsafe behavior. The elderly have been “doing it this way for years without coming to any harm” (despite probably now being slower and less flexible and hearing and seeing less than in the past). Neither will make changes unless peer pressure makes change not only appropriate but also merited and desirable.

Other

The Government is setting an ambitious improvement target. One off advertising campaigns and short-term initiatives do not change peoples’ long-term attitudes. What is needed is continuous negative reinforcement towards harmful activities and positive reinforcement towards safety enhancing activities. If the target is to be achieved then Government must take a leading role in any change. This must include:

- All Ministries, Departments, Services and NGOs relating to both central and local government agencies must contribute towards the solution.
- A combination of Inland Revenue, Statistics Dept., ACC and any other government databases should be used to ensure that self-employed people, micro-sized contracting organisations and any other “employers”, including the recipients of voluntary labour, are captured within the H&S data publication network.
- The ACC has divided enterprises into industry groups for experience rating purposes. These groups may or may not be appropriate for this type of network. Enterprises should be able to negotiate their inclusion in the most appropriate group for their activities and very large enterprises must be able to divide and sub-divide themselves into whatever sized segments they consider appropriate, as long as comprehensiveness is maintained. Everything possible must be done to ensure that enterprises accept the composition of the groups in which they are classified to foster competition.
- A “no exceptions” star rating system for all employers is suggested with details about how stars have been won or lost being publicly available at a reasonably detailed level for each individual enterprise.



- The regulators should publish the results of accident investigations as widely and freely as possible within any limits set by prosecutions and the legal system. This should include linking all accident treatment and rehabilitation costs borne by the ACC, accredited employers and the healthcare system. Accident, illness and injury information should be moderated to display it in relation to the number of man hours worked in each enterprise.
- The regulators should publish the summarised results of audits by accredited auditors. (AS/NZS 4801 can be taken as a starting point for an audit template.)
- Accident result statistics should be additionally moderated by audit result information and the effect of rehabilitation practices to achieve each star rating. The mechanism by which these inputs are used to calculate the star rating must be publicly available and transparent.
- The Internet and telecommunications should be used as the most cost effective way of aggregating and publishing data. The regulator will publish at least the Lost Time Injury Frequency Rate and the star rating for every enterprise on its web site.
- When the health and safety data created by enterprises are accurate and publicly available they may and should be encouraged to become tools to change the sourcing decisions of the potential customers and suppliers of as many enterprises as possible.
 - Business and commercial leaders are likely to pay more attention when sourcing decisions become involved. This will ensure measures to affect those data positively are introduced and made effective at the lowest possible level.

Yours sincerely

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