



Submission by

**The Employers and Manufacturers Association
(EMA)**

to the

**Ministry Business, Innovation and Employment
(MBIE)**

on the

Have Your Say on Work Health and Safety

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About the EMA

The EMA has a membership of more than 7,500 businesses, from Taupo north to Kaitaia, employing around 350,000 New Zealanders.

The EMA provides its members with employment relations advice and legal services from industry specialists, consulting services in HR, ER and Health and Safety, Collective Bargaining negotiation, a People Experience Practice, and Advocacy at both Central and Local Government levels to help their businesses and people grow.

The EMA advocates on behalf of its members to bring changes in areas that can make a real difference to the day-to-day operations of our members including RMA reform, infrastructure development, employment law, skills and education, health and safety and export growth.

The EMA is part of the BusinessNZ network.

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Introduction.

It has been recently shown (BHSLF) that NZ H&S injury accident record is consistently behind that of Australia and the UK. What is not shown are the numerous numbers of claims made to ACC that would not necessarily be reported to Worksafe NZ. By example would be the numerous strains and sprains (Musculoskeletal disorders) that by definition are chronic injuries and not caused by a single event. It is also unclear whether the data includes exposure to chemicals causing occupational illnesses.

Both ACC and Worksafe have repeatedly published data (based on modelling) that would indicate occupational illnesses and disease are 10 times that of workplace injury. Despite this appalling figure much of the effort still remains in the injury accident area. Over the last 20 - 30 years there has been no significant initiatives or programmes addressing this problem.

WorksafeNZ Changing Roll.

Following Pike River and the law reforms following that Worksafe was promoted as and working within what is known as a “modern regulator” i.e. they were there to help, assist, provide information (educate) enable and empower compliance. The modern regulator model worked well with businesses and the Regulator. This did not continue with the changes in CEO’s positions.

Worksafe’s public appearance and interface with industry moved to more of “that’s wrong fix it”. No other assistance was offered, nor possible solutions entered into. This meant that employers had to invest in solutions with no knowledge what they were working on met the compliance standard, it was in fact flying blind.

As a membership organisation we regularly speak with our members at numerous forums. A constant message that we hear is one of inspectors different interpretations of the law, regulations, guidance and standards. This means what is deemed fit and compliant for a piece of machinery in one region is not replicated in another region with a different inspector for the same piece of machinery. This is unacceptable.

The Sagebush Report

The SageBush report commissioned by Minister Micheal Wood, May 2021 (Labour) found numerous shortcoming and vagaries throughout Worksafe. It made 20 recommendations. The then CEO Phil Parkes stated that “all recommendations will be implemented”.

Summary of key findings.

- Lack of clear strategy
- Uncertain of its role
- No clear communication (internal) to constantly effect goals.
- Worksafe’s targeting focus (boards) with no outcome measures available.
- Worksafe future funding dilemma, it needs more to undertake its functions.

It is not known whether any or all of the recommendations have been implemented. That said the reports finding remain valid.

Strategies must be fully costed and funded and implemented to reach its identified outcomes. The strategic plan must be that “strategic” and not just another stop-gap document with bells and whistles but no demonstrative action plan to follow.

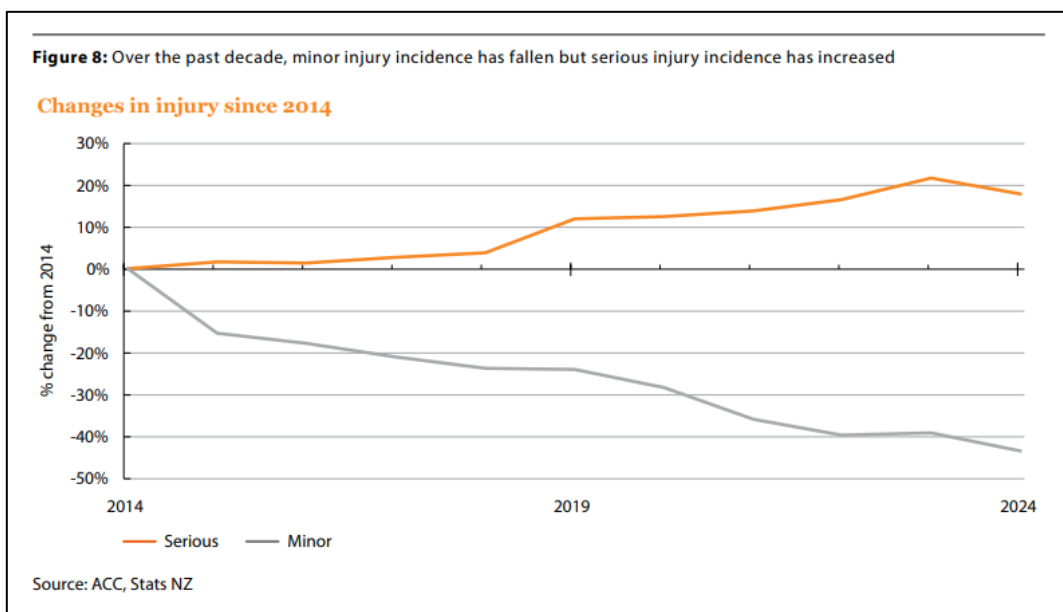
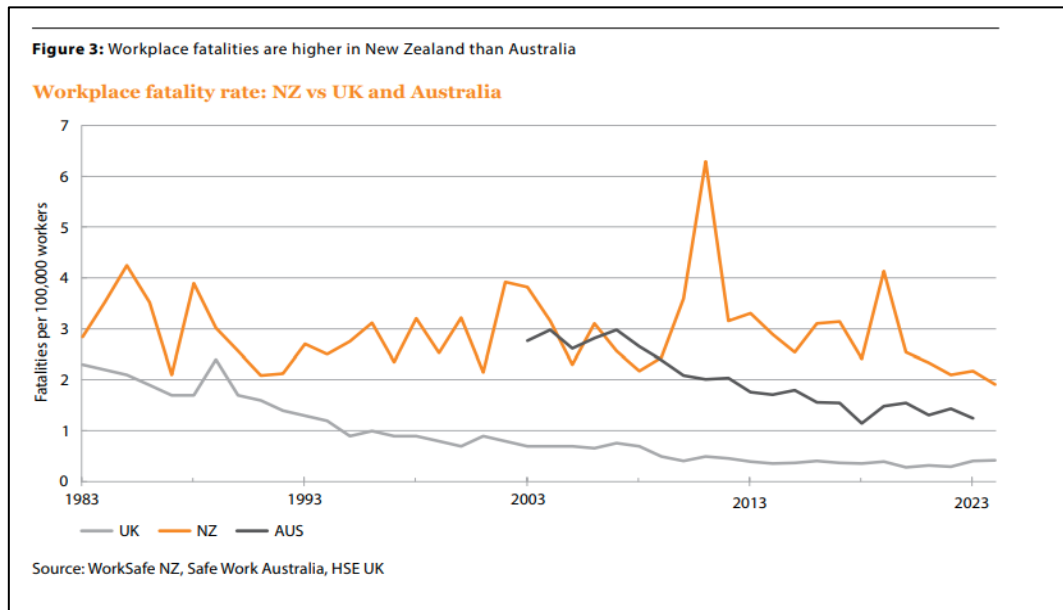
The Government must officially announce its position on the number of inspectors. Currently we are behind the recent times and below that of recommended international conventions. The ILO recommends 1 inspector per 10,000 employees, on that basis we had in 2023 2,462,000 employees that would equate with having 242 inspectors. *“Data from the Ministry of Business Innovation and Employment shows there were just 72 labour inspectors across the country in the 2020/2021 financial year. New Zealand currently has about one labour inspector for every 57,000 people of working age”*. In 2023, the number of inspectors was around 170 or 1 per 14482 employees

We lag behind Australia (per 1,000 employed) by 31%. Having a legal framework with a no visible nor active regulator does not work.

NZ changed the behaviour of NZ drivers and passengers wearing seat belts by advertising AND campaigns targeting non-use. It was not cheap (but compared to the burden of harm caused by motor vehicle crashes), it was deemed cost effective. A similar case could be made with the \$4.9 bill currently being lost to NZ Inc, with the current state of Worksafe/ legal framework position. Laws are only effective with visible and enforcement regimes. That costs money, however, the positive outcome we suggest is worth it.

Strategies.

NZ is awash with H&S Strategies. These are high on ideals and low on actions. Given the sheer number of recent initiatives our record is stagnant to only slowly improving.



This would clearly indicate that Strategies alone are not enough. There needs to be clear objective action plans that deliver an outcome not an output. Doing more of the same is futile.

Strategies to date.

- 2013 Workplace Health and Safety Strategy – Task Force
- 2016-2019 ACC and Worksafe Action Plan. Safer, Healthier, Together. Reducing Harm in NZ Workplaces
- 2018 -2028 Health and Safety at Work Strategy
- 2021 Health and Safety at Work reform
- 2022 Worksafe “way forward”
- 2022 report on ACC/ Worksafe action plan
- 2023 Harm Reduction Action Plan
- Action plan for 2016-2026 Strategy
- 2024 Worksafe Strategy. Including 4 sector action plans.

Looking at the timelines it would appear several of these strategies overlap and may not be in alignment- confusion rules.

We have commentators exalting the value of the 2019 -2028 Strategy (with amendment to come) while already there are more up to date and current strategic documents in the public domain. Worksafe NZ released its new strategic plan including 4 priority areas. We have ACC commissioning work in the Manufacturing sector.

Data Collection

One of the clear differences between ACC and WorksafeNZ is their data collections systems.

ACC collect all workplace injury statistics after the employees seeks medical attention. The Dr visits initiate an ACC file (ACC M45). This can be anything from a speak in the eye to a major injury trauma event.

Worksafe NZ only collect injury accident data from employers (in the main) once the employer decides whether the accident event and subsequent injury is equal to or above the threshold found within the legal framework (S. 23 HSWA). This by design means that Worksafe are only ever getting a subset of the accident data.

These data sets drive different perceptions of what is actually going out within the workplace.

ACC is driven by claim numbers and cost whereas WorksafeNZ are driven by degree and cause of injury, and whether the cause was a possible breach of the Regulatory framework.

Adding to the confusion we have ACC independently creating its own strategies and campaigns despite Worksafe and vice versa. Consultation is not happening between the two main players. It is noted that ACC have the money but little mandate while Worksafe have the mandate but little money.

The last few years of Worksafe has been problematic. Yes, they have had to cope with Covid 19 and the White Island investigation and court cases but so have all businesses. It seems that Worksafe have been like a rudderless ship. No clear direction and no “way on” to move things along. Coupled with is has been the inactivity within MBIE re the drafting of programmed Regulations and perhaps new Regulations. Published was a consultation on the Plant and Structure Draft Regulations but nothing happened following that piece of work. It just stopped.

The picture being drawn here is one of confusion, un-kept work programmes, no clear direction and no clear funding to enable work to be continued nor started. At risk within the H&S space is \$4.9 billion according to the BHSLF latest report. For Government to say there is no money just does make sense with NZ Inc losing that amount of money, time and resources not to mention the personal cost to individuals and extended family.

EMA Webinar Survey Results

Just after the Minister released her consultation document EMA organised a webinar (31st July) for its members on the same topic. We canvassed the attendees (**163**) with the same questions as found in the consultation document. Below is a summary of those results.

- Cost per year to comply with Health and Safety.
 - Very significant, Significant
 - \$100,000
 - Tens of thousands
 - Huge
 - More than I make
- Does the organisation understand its H&S obligations
 - 63% quite well
 - 30% very well
 - 7% not that well
- How much workers time is spent on H&S per week
 - 1 FTE
 - 40 hrs plus
 - 20- 40 hrs
 - Unsure
- Overlapping duties (multi PCBU's). this question drew the most responses by far.
(See **Appendix 1 page 17**, for responses)
- What sources of information or advice do you use
 - 88% Act and Regulation
 - 58% Guidance
 - 50% ACOP's
 - 55% Consultants and advisors
 - 69% the regulator Worksafe
- What sources of information do you use to understand responsibilities and the law
 - 29% third parties
 - 54% industry bodies
 - 6% social media
 - 21% word of mouth

- Does the organisation have a safety committee
 - 48% Elected H&S reps
 - 84% H&S Committee
 - 9% none
- How effective is worker engagement activities
 - 48% score 3 (average)
 - 29% below average
 - 26% above average
- Do you think workers are doing enough to keep themselves and co-workers safe
 - 36% yes
 - 58% No
 - 6% can't say
- What ways have you interacted with Worksafe
 - 58% Educational and training materials
 - 78% Online published material
 - 44% Workplace visits and follow ups
 - 11% Public campaigns
 - 27% Queries to regulator
- In what ways have you interacted with Worksafe.
 - 12% Applications for licences
 - 4% Registering equipment
 - 57% Notification of accident events
 - 31% regulatory tools – Worksafe instruments online
- Which 3rd parties authorised by the regulator have you interacted with.
 - 8 % Licencing
 - 65% Auditors
 - 64 % certifiers pressure vessels, HSNO. compliance certs
- Do you know the consequences for non-compliance?
 - 77% yes
 - 17% No

- Do you think the threshold for work related risk is working?
 - 26% Yes
 - 47% No
 - 28% don't know, Can't say
- Do you think the Regulatory system is working well?
 - 6% Yes
 - 75% No
 - 18% Don't know/can't say

EMA Postal Survey.

We posted a survey to members and received 290 responses. There were 48 questions canvassing a wide scope of issues and concerns. The questions were different from the MBIE questions but do identify a considerable number of unmet expectations and issues. The full survey can be found with comments on all questions in **Appendix 2 page 20**.

EMA survey to members, general question segmentation.

<i>Current legal framework</i>	<i>New legal framework suggestions /issues</i>	<i>H&S activity scope</i>	<i>ACC</i>
1	3	23	20
2	8	24	
4	10	25	
5	13	26	
6	14	28	
7	15	29	
9	16	33	
11	17	34	
12	18	35	
22	19	36	
27	21	37	
30	31	38	
32	43	39	
	44	40	
	45	41	
	46	42	
	47		

Below is a summary of each of the columns.

Current legal framework.

The survey results indicate that the HSWA is fine overall but may need some minor tweaks however the Regulations or lack of need a major revamp. The current legal framework is not

flexible enough to accommodate modern technologies and ways of working. Occupational health concerns are not well provided for in the legislation even though they account for the majority of work-related deaths. The legislation is not aligned to international best practice which of itself may not encourage innovation or at worst maintain a poor status quo. The small to medium size businesses seem to find compliance costs a big problem. Mental health issues are not well addressed within the current legal framework. Multi PCBU work sites are of major concern with numerous problems, overly complicated compliance and outright ignorance being seen. The state of HSNO management and health monitoring is poor.

New legal framework-suggestions.

Responders agree that more regulations and guidance is needed. They wish to be involved in the development of such material. They also see Worksafe as being able to offer more training to business. They also agree that the concept of ‘continuous improvement’ has merit and one that Worksafe/Government could investigate further. Responders feel inspectors do not understand business so have little understanding of how things get done. There is some debate about the use of more enforcement through the inspectorate. They agree that H&S Reps play a positive role within workplaces however feel that Unions are not that visible in the H&S space. Mental health and non-work issues being seen at work are of major concern. They agree that businesses should be part of any Strategic planning exercise. They would support a NZ wide Worksafe campaign directed at reducing accident in the workplace. They feel that government does not do well communicating about health and safety initiatives, programmes and results. They agree that a national data base would be of benefit.

Health and safety scope of activity.

This section reflects on what is happening within H&S and workplaces. There is agreement that Boards and Directors still are not overly active re their duties under the Act. They seem not to be engaged with H&S programmes at work. There is a low level of knowledge and competency around risk assessment and management. There is agreement that H&S training and PPE is freely available. There is a need for more health monitoring within workplaces to address the chronic work-related health conditions and related deaths. Overall addressing H&S compliance does have other benefits to business. There is a feeling that H&S

management has led to a tick box filling exercise. Responders feel that having accidents at work is expected and “normal”. The responders do not feel that unions are active or playing their part re H&S within the workplace.

ACC

Responders felt that having an insurance system (ACC) that was better able to recognise investment in risk mitigation would be of benefit. Their current ACC Experience Rating regime is not transparent and is a system that is done by ACC to employers.

General Thoughts.

Below are a number of issues that were identified from the EMA survey. The list below summarises the topic and issues arising from that topic,

Item	Topic	Comments/ recommendations.
1	More guidance covering Multi PCBU workplaces/ work sites	Following our Webinar survey there is a huge amount of work required to mitigate this poor understanding of having multi PCBU workplace. Some businesses spend a lot of time and money working in this space and find it very confusing and difficult with numerous expectations put on them by various players.
2	Investigate the activity around “pre Quals”. This issue is a major concern for most businesses who either contract their services or are required to work on “other” worksites.	There are many stories around the cost and complexity for companies wanting prequals. There seems to have arisen an entire business on prequals. Larger companies are demanding their contracting companies to provide prequals before work can start or withholding payments until the prequal has been approved.
3	Easier Due Diligence guidance	While there is material out there, we feel a simpler set of guidance is needed.
4	More on understanding risk and risk assessment/management/thresholds for action	There is a poor understanding of risk. Many revert to a simple 3x3 or 5x5 risk matrix. We feel a complete set of guidance is required on this topic.

5	Review current suite of Regulations for Compatibility Language Worksafe strategic goals	We note the current review has identified all the guidance offered by Worksafe. This review also identified a considerable proportion was out of date, old and incomplete. We recommend this work continue with the view to produce a schedule of remedial work.
6	Update Regulations Draft <u>new</u> regulations that are based on evidence of need. Work with industry to develop not just at the end for review.	Our surveys clearly indicated that business wants and needs to be at the table when new regulations are drafted. We feel that just reviewing and responding to a set of Drafts documents is unhelpful.
7	Create a worked example of “reasonably practicable’ include ALARP.	Given the entire legal framework is based on this definition we feel a work example and set of guidance material be developed for business to use as models of process.
8	Use Worksafe Victoria Wellbeing/Mental Health documentation.	Worksafe Victoria (Aust) has produced a good suite of guidance on Mental Health and Wellbeing. We feel this could be reproduced here.
9	Review and update Hazardous Substances Guidance	Given our persistent level of deaths and chronic exposures to Hazardous material, we feel a fresh look at the Regulations and guidance is needed. If we are to truly reduce the burden of chronic harm caused by workplace exposure, then Worksafe must lead along with business.
10	Create a new Worksafe role solely focused on occupational health, monitoring and prevention	We believe that inspectors are not well trained nor equipped to deal with hazardous substances management on site. We feel they need a lot more training in the principles of occupation hygiene and monitoring and medicine.
11	Worksafe/Govt needs a budget to reflect a newer and more focused inspectorate with more inspectors.	The Governments own documentation highlights the burden of poor government spending and resourcing of Worksafe (\$4.9 bill) Spending another \$200 mill or 4% of the burden costs makes a good business case.
12	Consider working with lead associations and undertake JV (webinars) to get the Worksafe message out to a wider audience.	We recommend that Worksafe consider undertaking joint ventures with lead organisations to run public/business webinars, seminars. This will lift the profile of Worksafe plus provide the voice of Worksafe as an empower of positive change.

13	Have inspectors both qualified for Warranting purposes but also H&S management including occupational health/hygiene/wellbeing	We recommend that Worksafe inspectors undertake similar H&S training as H&S consultants over and above their legislated training requirements. What we have seen from the data is that inspectors do not understand business nor how business operates. Having informed and qualified inspectors speaking a similar H&S language will benefit business and employees.
14	Prosecutions. The current position around prosecutions is that employers feel as though the law creates “absolute liability” for them and that they need to prove they are innocent. NZ law is based on the accused being “deemed” innocent UNTIL they have been proven guilty. This is particularly true where employees have significantly contributed to the event and or subsequent injury. We note very few employees are prosecuted by Worksafe.	Hindsight is always crystal clear; however the courts have stated that using hind sight is not their position. We feel this is not the case with Worksafe.

Table 1 Summary Table

This table identifies (where possible) similar questions, and the responses found in the Webinar and EMA survey.

Green- there is agreement between surveys, Orange- there is a mixed result.

Topic/ Issue	Webinar result	EMA survey results	
		Positive/for	Negative/against
Cost to business for H&S	Large, \$100K +	56	20
		44	24
Do businesses under H&S obligation	63% Quite well, 30%very well	34	44
		25	55
Multi PCBU's	Not well, difficult	34	44
H&S Reps committees	Yes Committee 84%	52	13
Do workers keep themselves safe	36 yes, 58% no	57	23
Do businesses know the consequences for non compliance	77%	38	33
		36	42
		12	41
Is risk well understood	26% yes, 47% no	25	55
Is the regulatory system working well	6% yes, 75% no	55	32
		22	52

Sweden's Health and Safety system.

There has been a lot of commentary about NZ's H&S poor injury accident record. We are often compared against Australia, UK and Sweden, being similar sizes and using similar H&S Regulatory models. The question is "Why is NZ so different?"

Analysing Sweden's H&S regime it is not too dissimilar to that of NZ. The legal framework is similar with its obligations and duties.

What is different with Sweden is that the inspectorate looks for *continuous improvement*. Companies are required to document their H&S programme and action plans. This then allows an inspector to check against a set of plans, programmes, or action plans on their visits. What occurs in NZ is that an inspector is looking for faults or non-compliances using the legal framework or against what a Code of Practice (voluntary) states.

Assessing against the companies own programme make the whole visit more relevant, more positive and results in a better outcome for all. The companies H&S programme could be like the Safety Case examples used elsewhere in NZ (Major Hazard Facilities)

In Sweden, AFS 2001:1 is implemented as part of a broader regulatory framework aimed at ensuring a safe and healthy work environment. Here is how it is typically used:

1. **Risk Assessment Process:** Employers must conduct thorough risk assessments regularly, identifying potential hazards specific to their work environment. This process is fundamental to complying with AFS 2001:1.
2. **Preventive Measures:** Based on the assessments, employers are required to develop and implement preventive measures. This could include changes to workflows, providing safety equipment, or altering the physical workspace.
3. **Training and Communication:** Employers must educate employees about the identified risks and the measures in place to mitigate them. This involves regular training sessions and clear communication about safety protocols.
4. **Documentation:** Organizations are required to keep detailed records of risk assessments, actions taken, and any incidents that occur. This documentation helps in monitoring compliance and assessing the effectiveness of safety measures.
5. **Employee Involvement:** Employees are encouraged to participate in safety discussions and decision-making processes. Their input is valuable for identifying risks and suggesting improvements.
6. **Inspections and Audits:** Regulatory authorities may conduct inspections to ensure compliance with AFS 2001:1. Companies are expected to demonstrate their adherence to the regulations and their ongoing commitment to workplace safety.
7. **Continuous Improvement:** The system promotes a culture of continuous improvement, where businesses regularly review and update their safety practices in response to new risks or changes in operations.

The Swedish AFS 2001:1 (Work Environment Regulation) system refers to the regulations concerning the work environment, specifically focusing on the management of risks associated with workplace activities.

Recommendations.

1. That the Health and Safety at Work (HASWA) Act 2015 is generally fit for purpose and should remain.
2. That the suite of Regulations under HASWA be reviewed and updated or deleted as appropriate.
3. That the current suite of Plant and Structures DRAFT Regulations be reactivated and completed within the next 12 months.
4. That other guidance material offered by Worksafe NZ be reviewed and updated.
5. That all new guidance material is co written with business to ensure it is fit for purpose and implementable within all sizes of businesses.
6. That specific guidance material be developed covering Multi PCBU situations (overlapping duties) to ensure is understandable and usable. This was highlighted in the EMA surveys as an area of most concern and lack of working knowledge.
7. That Worksafe NS consider creating a “pre-qualification” system that is transparent, repeatable, not too onerous and accepted by their clients.
8. That specific guidance material be developed covering the practice of Risk Assessment and Risk Management.
9. That Worksafe NZ look and use overseas guidance material that would be beneficial in NZ, e.g. Worksafe Victoria Mental Health.
10. That when Worksafe NZ is developing new material it keeps in mind the new modern workplace with different systems of work and working times.
11. That all the Hazardous Substances guidance material be reviewed and updated.
12. That within Worksafe NZ there is a dedicated Department covering occupational health, assessment, monitoring and management. This would include (but not limited to) medical, hygienists, ventilation and process skills.
13. That Worksafe Inspectors are formally qualified in H&S over and above their training to be a Warranted Inspector.
14. That Worksafe NZ adopt a similar regulatory system to Sweden which requires continuous improvement of H&S systems and outcomes.
15. That WorksafeNZ consider creating and or using industry or sector bodies to disseminate new safety initiatives and information.
16. That Worksafe NZ Inspectors use a more methodical approach when undertaking workplace visits/inspections.
17. That Worksafe NZ consider embarking on a Public Relations exercise with major stakeholders (JV) to promulgate their requirements and messages.
18. That Government fund Worksafe NZ to be the world class regulator NZ needs, given the current \$4.9b it is costing NZ with its current Worksafe settings.
19. That Worksafe NZ, ACC and the Government all align and agree on national H&S Strategies, plus prepare and use Action Plans to deliver against the Strategic Plan. All plans must be focused on evidence and set attainable goals and outcomes.

Appendix 1

Results for EMA Webinar Question.

“Where your business has overlapping duties with other businesses, what has been your experience in working together to manage health and safety risks? Think about clarity of roles, how you share duties, what processes you put in place.”

Answers in full, from webinar attendees. Replicated to show level of concern and difficulty.

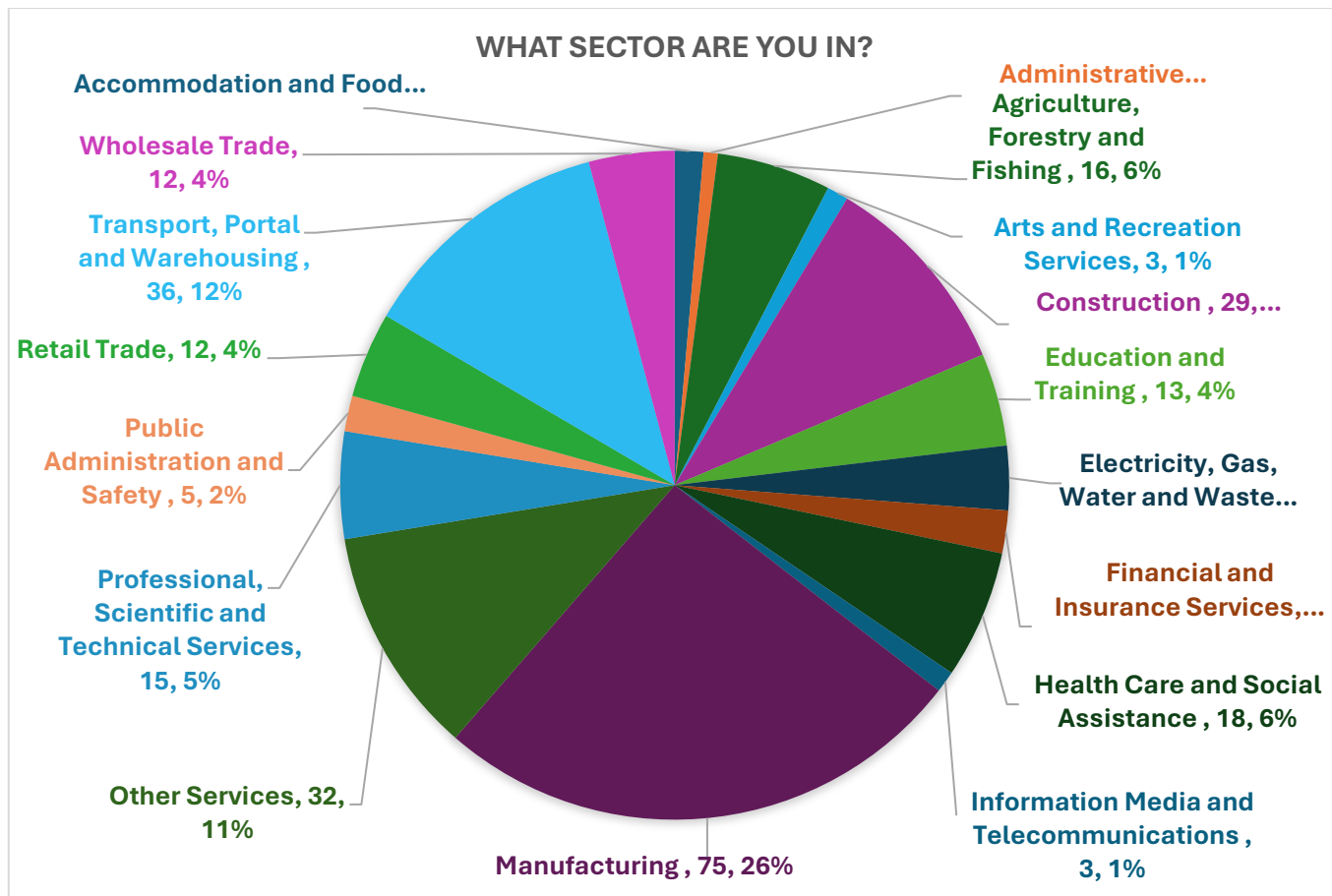
- Guidance is too long – needs simplifying
- Expect others to comply.
- Paperwork adds nothing to integrity
- Extremely time consuming.
- Potentially ineffective because of the duplication of requests of basic information being repeated from customer to customer which takes you away from improving health and safety in your workplace.
- Needs a better procedure to comply.
- Duties are often shared, but roles and responsibilities aren't always clear.
- Collaboration with and guidelines from a 'contractor management' perspective gives a framework on how we go about work. Becomes challenging when looking at COP
- Landlords/building owners are the difficult persons to get on board with H&S
- Hard to know if we've gone far enough with managing it
- Have a toolbox with all involved.
- Becomes difficult when other people arrive on site throughout the day. Not practical to have to down tools several times through the day.
- Frustrates all staff involved zone leaders with overall responsibility. clear set expectations for each staff role. see something, say something
- Complete H&S checks, Communication.... issues come when working alongside smaller business without any H&S documents/ records
- Prequals ????
- Need to do more proactive ongoing engagement post inductions
- Better communication and training for this
- Clear processes but needs buy in from all
- Communication
- cumbersome - should be a lead PCBU identified and the other just should see what the main one has done and acknowledge it's read it
- Generally good cooperation with paperwork and actions
- Common forms help, collaborative planning and clear prestart before work starts
- Difficult - still a lack of engagement with some smaller orgs or sole traders.
- Confusion over who does what. Cost factor and industry orgs not supporting options to make this easier
- Use teams channel communication share duties
- Project plan with each contractor/external business

- Absolutely only tick- flick exercises for most pcbu's, purpose is lost in the paperwork
- It's been positive on the whole. We have implemented regular catchups with HS&W reps from each PCBU to discuss issues, and in between meetings we share resources and learnings from webinars etc. We have a live chat so we can share real time updates between PCBUs.
- Smaller contracting firms (painters, installers etc.) lots of to-and-fro getting adequate paperwork from them.
- We have contractor management systems, so it is well documented.
- Mostly good comms but somethings get missed
- lots of processes and documentation to keep up with it all
- Depends on contractor. Most important is communication between all parties
- Understand each other's work scope and what controls are in place to ensure workers H&S, especially for critical risks. Creates a joint approach and control different levels of H&S between companies
- Contractor management, Paperwork, SOPs
- Focus on engagement then performance assessments, rather than forms.
- Difficult, it depends on how invested each party is also depends on if you are large and they are small agreements, inductions
- Sole Trading Independent Contractors have to be managed closely as they don't want the burden of compliance
- Difficult, do an average job at this communication, lots of paperwork, uncooperating of one party not understanding their duties
- Weekly toolbox, daily pre-start, sharing of JSA, SSSP etc.
- Formal process that takes a lot of work to administer. But it does work
- H&S contractor
- Pre-qualification has been excessive
- Not coordinated currently, H&S not enough considered
- Works well, always room for improvement
- Clear comms and rules of engagement
- We work with the PCBU
- Paperwork - chasing Data
- We have a collective approach to Health, Safety and Wellbeing, due process is front of mind always.
- Not well understood
- We prepare a specific H&S management plan that outlines responsibilities for each PCBU this doesn't capture all, but does get most
- Contractor Management
- We struggle as other PCBUs often aren't taking H&S seriously - they'll do the paperwork, but not the actions.
- Everyone just gets on with it, sometimes hard to manage storage of paperwork
- Surface level. Only administrative tasks and not proactive engagement
- Communication, consultation, coordination 😊
- Regular site mtgs hazards board so all coming on site are aware
- Document heavy process
- Language barriers are the main issue
- With negotiation both parties come to an agreement, but a lot of doubling up

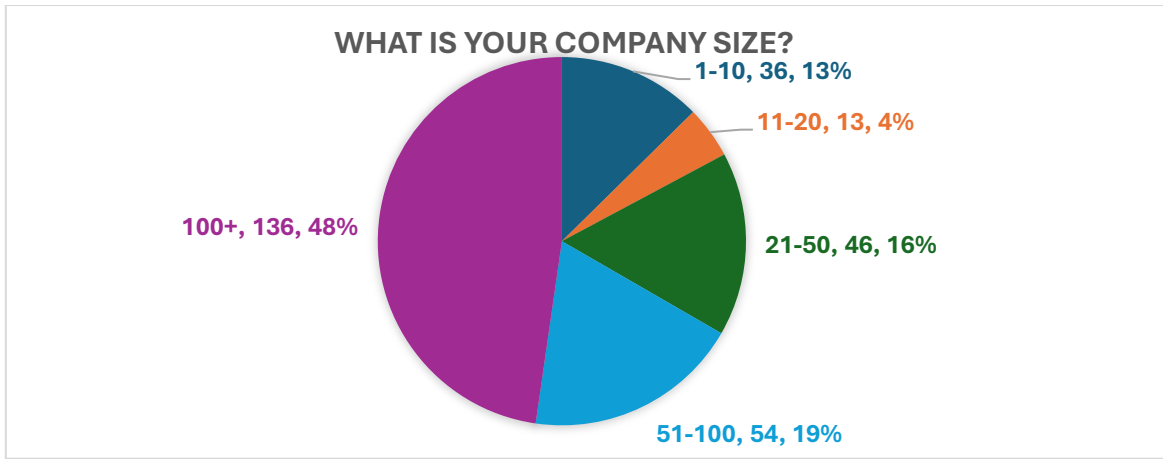
- Keeping it simple
- Port - multiuser site with massive amounts of engagement well documented but not sufficiently implemented
- Communication
- SOPs and site agreements plus inductions
- Daily communication at toolbox
- Comms and collaboration
- Written communication with structure
- Can struggle to make sure everyone is following same H&S procedures
- Differences in expectations and acceptable levels of risk makes it challenging
- Paperwork and communication
- very good
- Don't communicate well with parent company – largely independent.
- Paperwork
- Most contractors have limited knowledge of their OD.
- Shared forklift Argh!
- clear communication & set expectations
- Communication and uniform approaches
- Clarity is undefined, complex to manage
- One takes responsibility, the other just follows through Contractor Management
- Requirement to do work with us
- The PCBU acts like the boss
- Working on that at present, difficult
- Good engagements because of relationships
- Difficult to establish who is responsible, hard to draw a line lack of desire to work together, even though it is required by law
- Lots of paperwork!!!
- Very difficult
- Procedure was put in place
- No process currently
- Currently working on this process
- Surface level. We need to do more proactively.
- Works well
- Communication

Appendix 2

Health & Safety Survey 2024



What sector are you in?	Count
Accommodation and Food Services	4
Administrative and Food Services	2
Agriculture, Forestry and Fishing	16
Arts and Recreation Services	3
Construction	29
Education and Training	13
Electricity, Gas, Water and Waste Services	9
Financial and Insurance Services	6
Health Care and Social Assistance	18
Information Media and Telecommunications	3
Manufacturing	75
Other Services	32
Professional, Scientific and Technical Services	15
Public Administration and Safety	5
Retail Trade	12
Transport, Portal and Warehousing	36
Wholesale Trade	12



What is your company size?	Count
1-10	36
11-20	13
21-50	46
51-100	54
100+	136

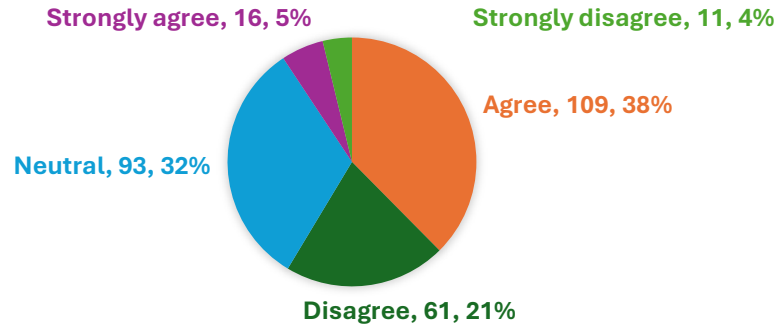
Comments on the data.

We were concerned with the number and strength of the “neutral” responses. We undertook data analytics and can confirm the following. Respondants 290.

1. There is no bias based on company size. We tested against large (above 50) and small (below 50) and there was no discernable difference.
2. We then tested against sector. We chose the largest sectors (participants) and again there was no discernable difference.
3. We checked against the survey completion times. The vast majority (70%) of respondents completed the survey within 4-20 minutes. Only 13 (4%) respondents completed the survey under 4 minutes.

We are confident that the results are indicative of the responders with no bias within the data.

1. THE CURRENT HEALTH AND SAFETY AT WORK ACT (HASWA) EFFECTIVELY ADDRESSES WORKPLACE RISKS.

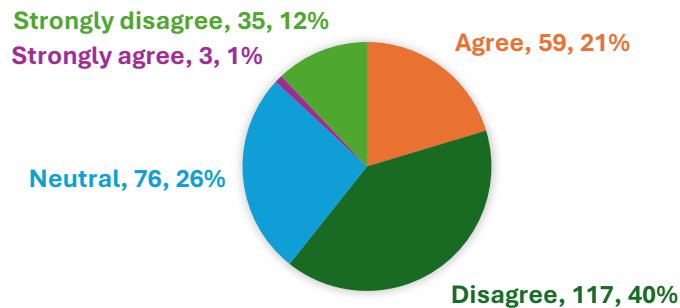


1. The current Health and Safety at Work Act (HASWA) effectively addresses workplace risks.	Count
Agree	109
Disagree	61
Neutral	93
Strongly agree	16
Strongly disagree	11

Comments.

It would appear 54.5% of responders agree the current Act is OK, however and concerningly 32% are neutral on the matter while 34% do not agree. These figure would indicate there maybe some areas of the Act that need reviewing.

2. THE HASWA AND RELATED REGULATIONS ARE CLEAR AND EASY TO UNDERSTAND FOR ALL LEVELS OF THE ORGANIZATION.

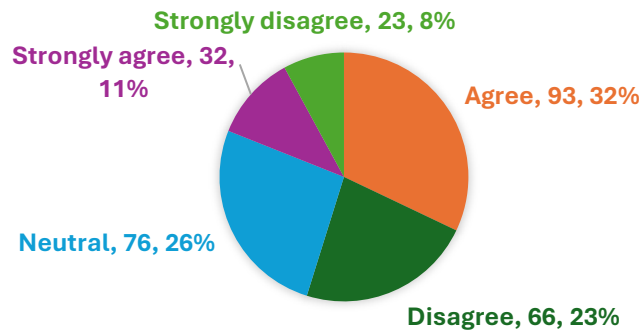


2. The HASWA and related regulations are clear and easy to understand for all levels of the organization.	Count
Agree	59
Disagree	117
Neutral	76
Strongly agree	3
Strongly disagree	35

Comments

There is clear majority (52%) that show the suite of Regulations are not fit for purpose, while 22% agree they are with 26% being neutral. I am unsure how to interurt the neutral votes in this case. It maybe that some bussiness are unaware of the General Risk and Workplace Management plus Worker Engagement Regulations that would apply to all workplaces.

3. ADDITIONAL REGULATIONS ARE NEEDED TO ENHANCE WORKPLACE SAFETY.

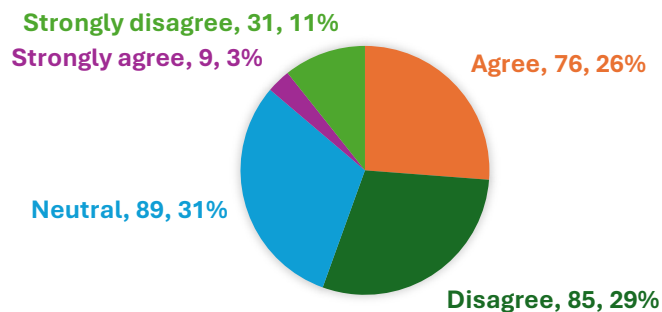


3. Additional regulations are needed to enhance workplace safety.	Count
Agree	93
Disagree	66
Neutral	76
Strongly agree	32
Strongly disagree	23

Comments

A good 43% agree more Regulations are needed to enhance OH&S, while 31% disagree. It shows the decision is split and may be sector or size biased. Again 25% are neutral perhaps not recognising there are current regulations that apply to them

4. THE HASWA IS FLEXIBLE AND APPLICABLE ACROSS VARIOUS INDUSTRIES, INCLUDING HIGH-RISK SECTORS.

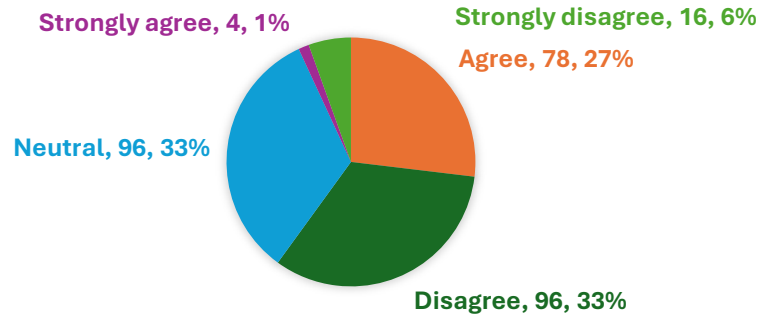


4. The HASWA is flexible and applicable across various industries, including high-risk sectors.	Count
Agree	76
Disagree	85
Neutral	89
Strongly agree	9
Strongly disagree	31

Comments

A three way split here. There is about equal responses for, against and neutral. When you add in the "strongly disagree" then the overall response are that the Regs are not that flexible across industries or high risk sectors. This can lead to difficulty understanding what is required and then trying to implement a solution into a workplace or task that the Regulations may not be designed to address.

5. OCCUPATIONAL HEALTH CONCERNS ARE SUFFICIENTLY ADDRESSED UNDER THE CURRENT HASWA FRAMEWORK.



5. Occupational health concerns are sufficiently addressed under the current HASWA framework.	Count
Agree	78
Disagree	96
Neutral	96
Strongly agree	4
Strongly disagree	16

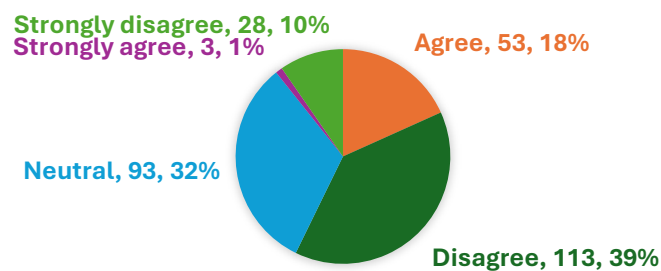
Comments

Given our poor track record in this area the figure would support a finding that occupational health issues, exposures, conditions and remedies are not well covered by the existing Regulations (39% disagree while 28% agree) The two Regulations on the framework would be the General Risk and Workplace Management Regulation plus the Hazardous Substances Regulation 2017. The Major Hazard Facilities Regulation may also be part of this suite. An example of this is the current position on Engineered stone. We note Australia has banned the practice thus eliminating the hazard/risk while we seem to be still allowing its manufacture, use with known shortcomings in controls (as noted in the new Strategic plan!)

“Our data suggests appropriate controls are not consistently used: 49% of those likely to have high exposure to silica dust do not use either water suppression or local exhaust ventilation to control dust”.

If Worksafe are not seen to be taking a proactive and strong position on this it becomes difficult to then require employers to implement mitigations.

6. THE CURRENT LEGISLATION IS ADAPTABLE TO EMERGING WORKPLACE RISKS, SUCH AS THOSE RELATED TO TECHNOLOGY OR ENVIRONMENTAL CHANGES.

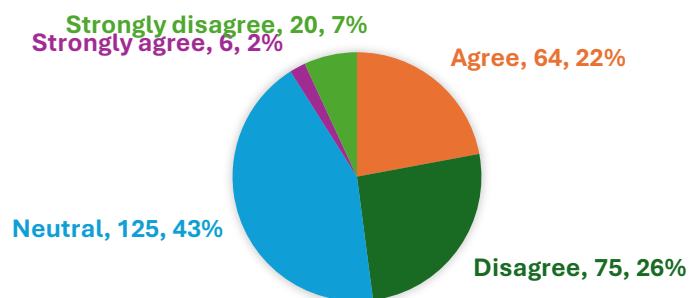


6. The current legislation is adaptable to emerging workplace risks, such as those related to technology or environmental changes.	Count
Agree	53
Disagree	113
Neutral	93
Strongly agree	3
Strongly disagree	28

Comments

The overall response is that the existing Regulations are not well designed to capture and manage new and emerging risks, 145 (49%) against with 56 (19%) for. Given the rate of change in technologies coming into the workplace this should be of major concern.

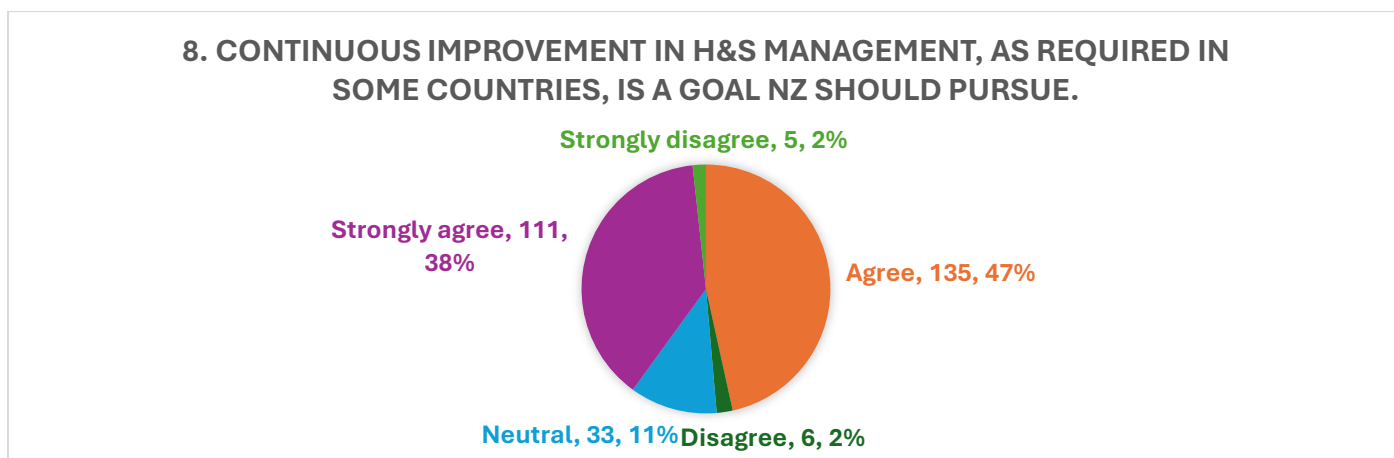
7. THE HASWA ALIGNS WITH INTERNATIONAL BEST PRACTICES AND STANDARDS IN WORKPLACE HEALTH AND SAFETY.



7. The HASWA aligns with international best practices and standards in workplace health and safety.	Count
Agree	64
Disagree	75
Neutral	125
Strongly agree	6
Strongly disagree	20

Comments

Of note is the 43% “Neutrals” this may represent the small to medium enterprises who work in a specific sector or domain. The “disagree” 33% with 24% agree indicate a reasonable split in the votes. Given our legislation is based on an international model (the Robens report) it makes sense to ensure our H&S framework is consistent with other like jurisdictions. Many companies work in the international space thus having similar laws and focuses would greatly assist them.



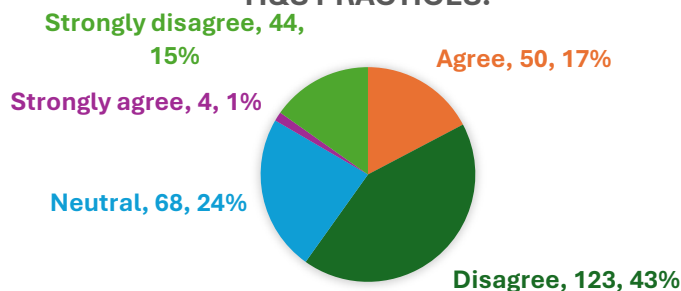
8. Continuous improvement in H&S management, as required in some countries, is a goal NZ should pursue.	Count
Agree	135
Disagree	6
Neutral	33
Strongly agree	111
Strongly disagree	5

Comments

The results indicate that 85% support the notion of Continuous Improvement while only 4% disagree. This is a huge degree of support for this concept.

This question aimed at looking at the NZ appetite for the Swedish system that requires companies to prepare continuous improvement plans. This then allows labour inspectors when visiting on sight to compare progress against their plan. In the absence of this plan all an inspector can do is look at things, documents (training records) and licences. We note that inspectors are required to inspect against relevant Codes of Practice where relevant. Given Codes of Practice are seen as one means of complying with legislation it does not really look at systemic and underlying frameworks of harm prevention. Just using a Code of Practice is a bit like applying a band-aid. It's something that you do rather than having a system that is integrated into the wider workings of the business. The continuous improvement model is similar to requiring Safety Cases. We would support the use of Safety Cases in specific situations, sectors and workplaces.

9. THE LEGISLATION APPROPRIATELY ADDRESSES THE CHALLENGES FACED BY SMALL AND MEDIUM-SIZED ENTERPRISES (SMES) IN IMPLEMENTING H&S PRACTICES.

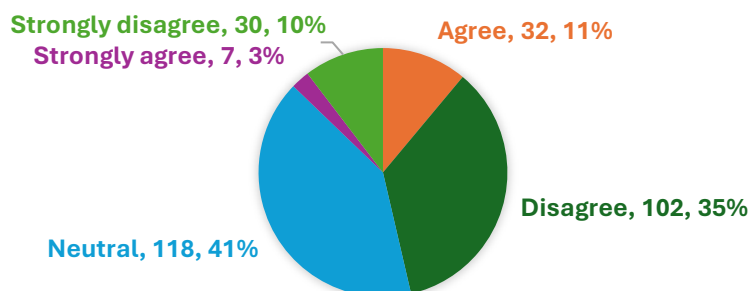


9. The legislation appropriately addresses the challenges faced by small and medium-sized enterprises (SMEs) in implementing H&S practices.	Count
Agree	50
Disagree	123
Neutral	68
Strongly agree	4
Strongly disagree	44

Comments

Only 18% agree that the H&S legislation framework accommodates the small to medium enterprises, with 58% disagreeing. This is significant difference even considering the neutrals. It does however highlight the need for laws, regs, and guidance aimed specifically for this market. The cost of compliance as noted earlier (webinar results) is significant.

10. THE PROCESS FOR REVIEWING AND UPDATING THE HASWA IS EFFECTIVE IN KEEPING THE LEGISLATION RELEVANT AND UP-TO-DATE.

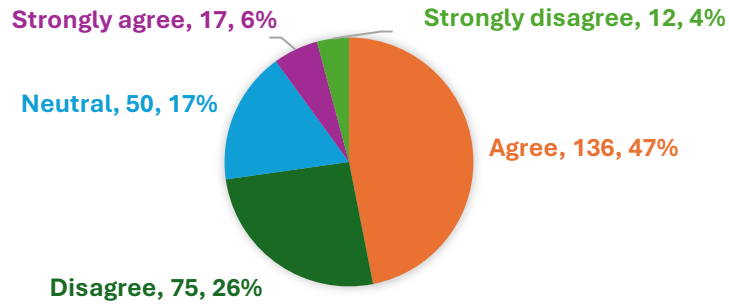


10. The process for reviewing and updating the HASWA is effective in keeping the legislation relevant and up to date.	Count
Agree	32
Disagree	102
Neutral	118
Strongly agree	7
Strongly disagree	30

Comments

The figures support Worksafe internal findings that much of the current guidance material is out of date, not relevant and or absent (disagree 45% with only 10% agreeing) Given that the SME population (see Q 9) relies on this material it is of utmost importance to provide fit for purpose, timely guidance material.

11. THE LEGISLATION EFFECTIVELY PROMOTES WORKER PARTICIPATION AND ENGAGEMENT IN HEALTH AND SAFETY MATTERS.

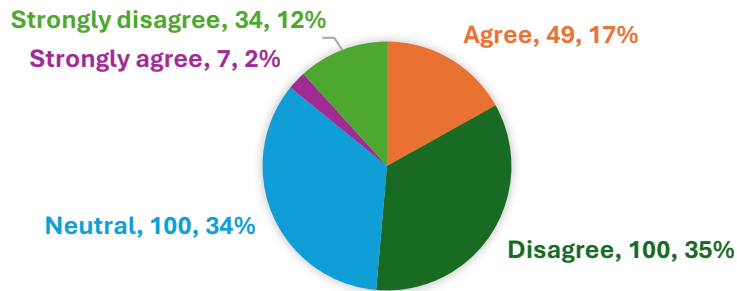


11. The legislation effectively promotes worker participation and engagement in health and safety matters.	Count
Agree	136
Disagree	75
Neutral	50
Strongly agree	17
Strongly disagree	12

Comments

A significant 64% of responders feel there is guidance for participation, engagement and participation, while 38% disagree. Given the webinar results that indicated 84% had a safety committee system it would appear that this programme is working and available to most employees within workplaces.

12. THE HASWA ADEQUATELY ADDRESSES THE NEED FOR MENTAL HEALTH SUPPORT IN THE WORKPLACE.

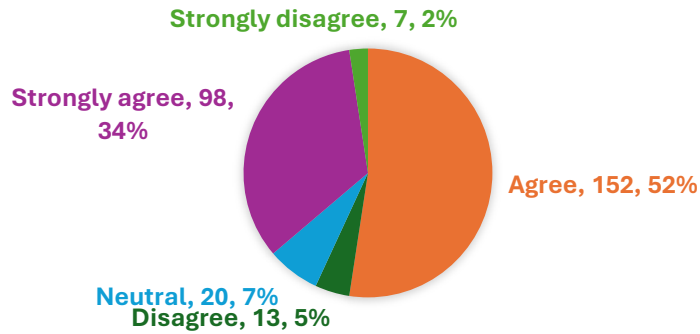


12. The HASWA adequately addresses the need for mental health support in the workplace.	Count
Agree	49
Disagree	100
Neutral	100
Strongly agree	7
Strongly disagree	34

Comments

A considerable 47% feel that mental health issues are not well serviced within the current H&S framework. Only 19% feel it covered, with 34% being neutral. Mental health issues are of a major concern to workers and workplaces. More guidance is required to assist both workers and workplaces address this growing and incidious challenge.

13. MORE GUIDANCE AND RESOURCES FROM WORKSAFE NZ WOULD BENEFIT BUSINESSES IN MEETING THEIR H&S OBLIGATIONS.

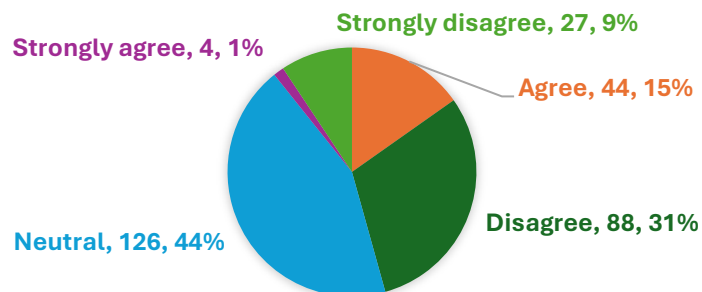


13. More guidance and resources from WorkSafe NZ would benefit businesses in meeting their H&S obligations.	Count
Agree	152
Disagree	13
Neutral	20
Strongly agree	98
Strongly disagree	7

Comments

86% agree more guidance from Worksafe would be helpful, with only 7% disagreeing. This result is significant and one Worksafe need to consider. Of note only 7% are neutral.

14. WORKSAFE NZ INSPECTORS ARE EFFECTIVE IN ADDRESSING WORKPLACE H&S ISSUES.

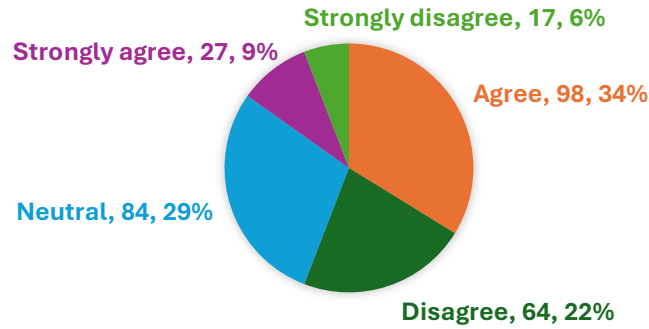


14. WorkSafe NZ inspectors are effective in addressing workplace H&S issues.	Count
Agree	44
Disagree	88
Neutral	126
Strongly agree	4
Strongly disagree	27

Comments

This result conforms the general perception that Worksafe inspectors are not well trained to address the range and complexities of real workplace situations. This is of concern as employers rely on the Inspectorate to know, give advice and empower positive actions by employers. 58% disagree with the statement with only 16% agreeing. This must be addressed by Worksafe. With the business sector having little faith in the Inspectorate where do employers turn to?. This may show in the number of H&S Consultants out there all making money on commercialising H&S compliance.

15. WORKSAFE NZ SHOULD ENHANCE ITS ENFORCEMENT ACTIVITIES TO ENSURE COMPLIANCE.

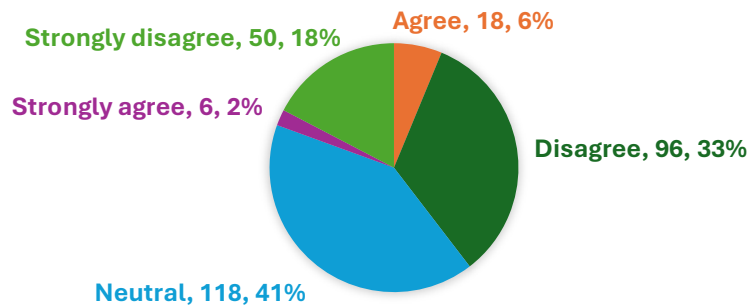


15. WorkSafe NZ should enhance its enforcement activities to ensure compliance.	Count
Agree	98
Disagree	64
Neutral	84
Strongly agree	27
Strongly disagree	17

Comments

The results indicate a fairly even split across for and against as well as the neutrals. In overseas jurisdictions enforcement takes on a much higher profile after education and guidance. This implied threat that actions WILL occur is enough for more action. Looking at the enforcement data here in NZ workplaces are unlucky if they are caught out. The number of prosecutions is low even following workplace deaths where society expects accountability and legal redress. Given EMA has pushed for a modern regulator this does not mean soft on prosecutions. It does mean that where other interventions have not been followed the employer knows the next legal tool (prosecution) will be used. We do not advocate a them and us attitude however employers do need to understand that continued non compliance will be followed by more serious actions.

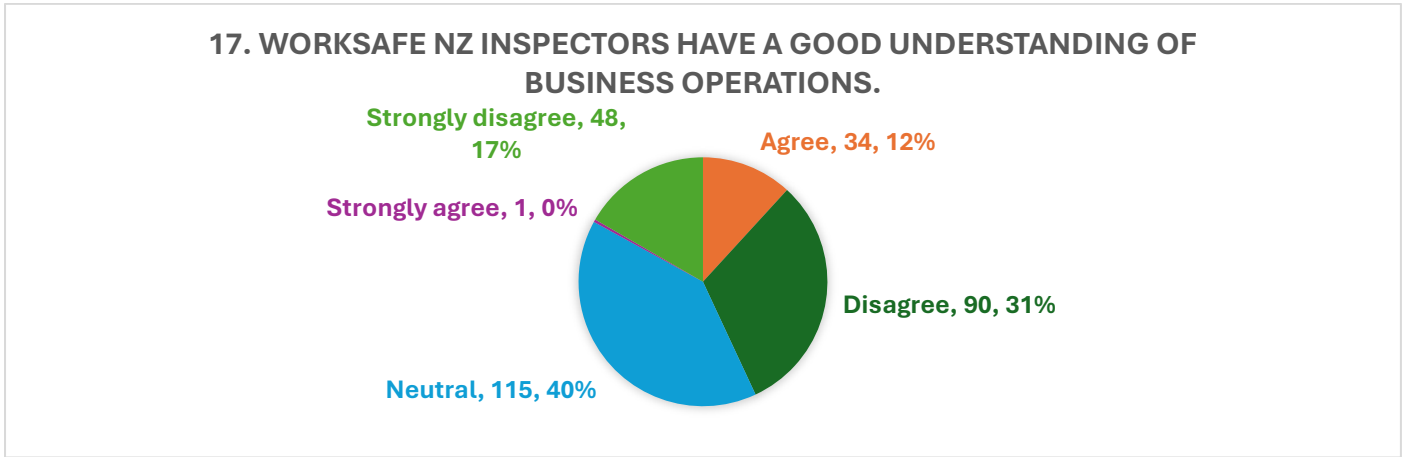
16. THE CURRENT NUMBER OF WORKSAFE NZ INSPECTORS IS ADEQUATE TO MEET THE NEEDS OF BUSINESSES.



16. The current number of WorkSafe NZ inspectors is adequate to meet the needs of businesses.	Count
Agree	18
Disagree	96
Neutral	118
Strongly agree	6
Strongly disagree	50

Comments

Only 8% of responders feel we have enough inspectors. This is of major concern. Given NZ has signed up to International Conventions regarding the Labour Inspectorate we have an international obligation to keep and maintain those requirements within the conventions. It is public knowledge that the inspectorate head count is down and alarmingly there appears to be no plan to bring the number back up to where it was. Unfortunately international trends do indicate a steady downward trend of labour inspectors. In the absence of inspectors who are out there to maintain compliance and take action for breaches of legal duties. If this trend continues one can only summarise the chaos and appalling accident data that may result. Given the cost of having the current number of inspectors and level of activity (or inactivity) is costing NZ \$4.9 billion the question must be asked when will Govt say enough is enough and re-introduce the correct number of inspectors.

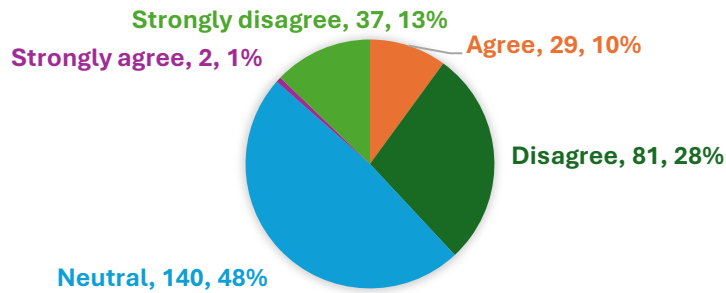


17. WorkSafe NZ inspectors have a good understanding of business operations.	Count
Agree	34
Disagree	90
Neutral	115
Strongly agree	1
Strongly disagree	48

Comments

Only 13% feel inspectors understand business, with 48% indicating inspectors do not understand business. EMA believes that inspectors must be trained in basic business principles to allow them to understand how and where H&S fits into the business. We also believe that inspectors should hold formal H&S qualifications over and above their warranted training. This then would result in inspectors talking the same language as H&S committees, professionals and managers, a win-win situation.

18. PENALTIES AND ENFORCEMENT ACTIONS UNDER THE HASWA ARE CONSISTENT AND PROPORTIONATE ACROSS DIFFERENT CASES.

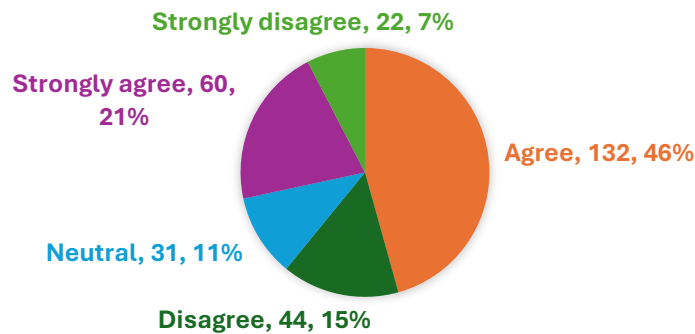


18. Penalties and enforcement actions under the HASWA are consistent and proportionate across different cases.	Count
Agree	29
Disagree	81
Neutral	140
Strongly agree	2
Strongly disagree	37

Comments

Only 12 % agreed with this statement, while 41% disagreed. A significant 48% were neutral. The general perception is that enforcement actions are not proportionate and consistent across different cases. This may indicate the wide variance of inspectors knowledge and interpretation of the law and or guidance material. This situation does not enhance the status of the regulator within the NZ business community.

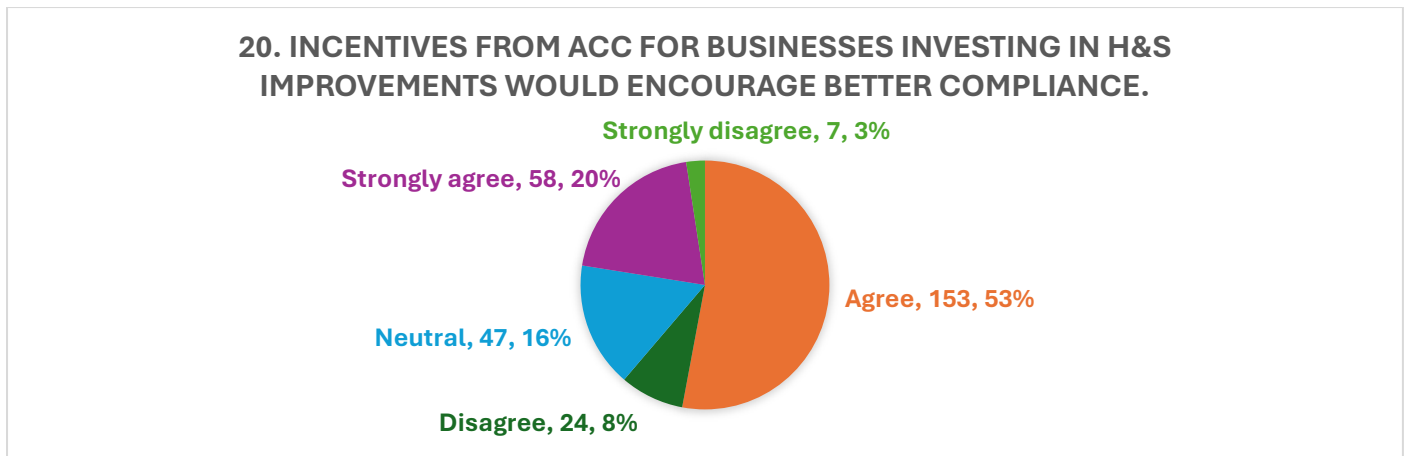
19. WORKSAFE NZ SHOULD EXPAND ITS ROLE TO INCLUDE PROVIDING HEALTH AND SAFETY TRAINING.



19. WorkSafe NZ should expand its role to include providing health and safety training.	Count
Agree	132
Disagree	44
Neutral	31
Strongly agree	60
Strongly disagree	22

Comments

A significant 67% agreed that Worksafe NZ should provide more health and safety training, while only 22% disagreed. If Worksafe did provide training and other H&S training it would provide a great platform to demonstrate the standards that are required for specific situations. It would allow employers to understand what is required plus ask questions around other systems to meet the same level of protection.

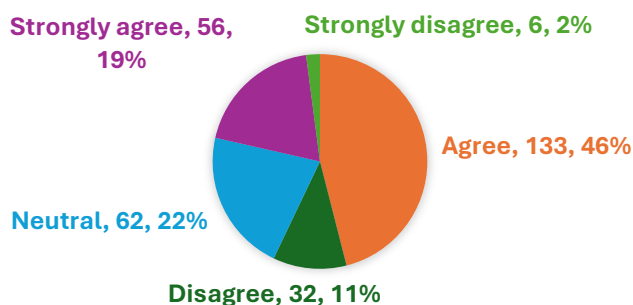


20. Incentives from ACC for businesses investing in H&S improvements would encourage better compliance.	Count
Agree	153
Disagree	24
Neutral	47
Strongly agree	58
Strongly disagree	7

Comments

The results indicate that 73% of responders agree with some form of risk based discount while 11% disagree. Employers spend a lot of time and money within the H&S space. Some interventions may run into many thousands of dollars. While the cost to an injured person is profound there is no real debate about the cost of prevention. However in today's business markets profit margins are small and access to capital is difficult and costly. Having an incentive scheme as offered by ACC (Experience Rating) for those employers who are performing above the sector norms is a great benefit to them. Unfortunately the ACC Experience Rating scheme is so embedded within ACC few understand it all. We submitted on this under the ACC Levy consultation process recently. We would welcome a joint effort by Worksafe and ACC to assist employers reduce their risk by innovation and at the same time gain some financial benefits for doing so. ACC is an insurer and therefore incentivising risk reduction clearly falls under their remit.

21. A COMPREHENSIVE PUBLIC DATABASE ON WORKPLACE ACCIDENTS, SUPPORTED BY ACC, WOULD HELP IMPROVE TRANSPARENCY AND SAFETY OUTCOMES.



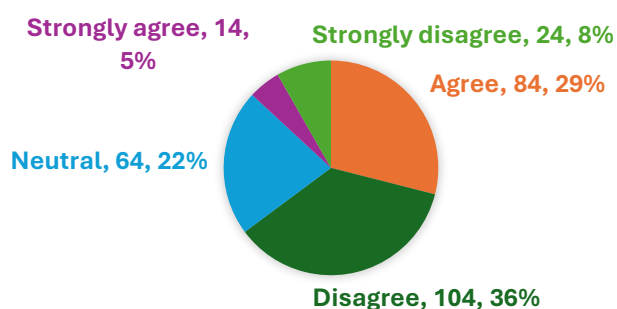
21. A comprehensive public database on workplace accidents, supported by ACC, would help improve transparency and safety outcomes.	Count
Agree	133
Disagree	32
Neutral	62
Strongly agree	56
Strongly disagree	6

Comments

The results indicate that 65% of responders agree with this statement while 13% disagree.

We note that currently Worksafe has organised a database (for manufacturing) using ACC injury data. This database will now be hosted by EMA and be available to all its members and those who access our site. Worksafe has also created a data base of statistics hosted on their web site. This provides information across a wide spectrum of data sets, well done. As can be seen responders overwhelmingly support this initiative. Having a real life and accessible data base could be useful for employers and H&S reps and professionals. If the data could be made more sector and company size specific then employers could use this as real time bench marking tool.

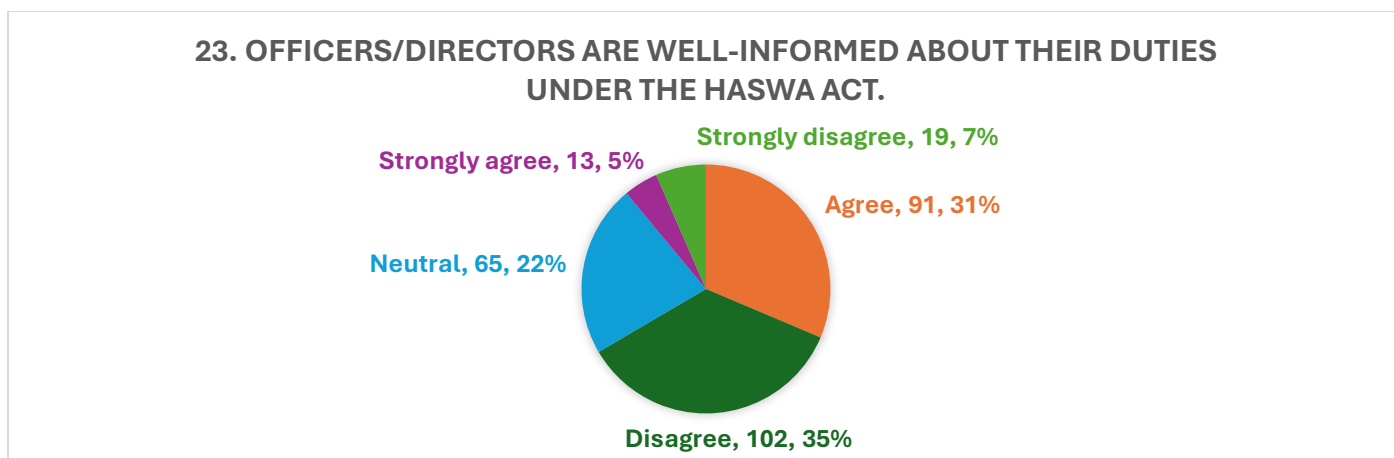
22. PERSONS CONDUCTING A BUSINESS OR UNDERTAKING (PCBU'S) HAVE A CLEAR UNDERSTANDING OF THEIR OBLIGATIONS UNDER THE HASWA ACT.



22. Persons Conducting a Business or Undertaking (PCBU's) have a clear understanding of their obligations under the HASWA Act.	Count
Agree	84
Disagree	104
Neutral	64
Strongly agree	14
Strongly disagree	24

Comments

44% indicate they do not clearly understand the multi PCBU situation, while 34% say they do. A significant 22% are neutral. Comparing our webinar results on this question there is a lot of tension, mis understanding and confusion re this issue. This may be area that Worksafe could re look at and provide simple and usable guidance. Again we see the H&S provider commercialising this space by adding more complexity and costs to business.

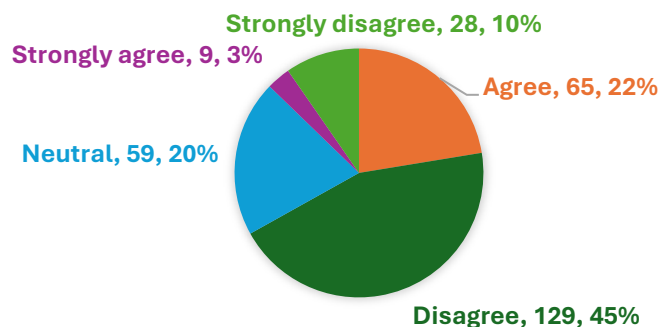


23. Officers/Directors are well-informed about their duties under the HASWA Act.	Count
Agree	91
Disagree	102
Neutral	65
Strongly agree	13
Strongly disagree	19

Comments

Director duties are a cornerstone of the H&S legal framework. It is concerning then after 9 years of this requirement there remains 42% of responders not understanding this duty. Only 36% indicated they had knowledge of the duty while 22% were neutral. We note recent publications that discuss these duties however EMA believes that this material adds more layers of complexity and unnecessary work. Recent court cases from Australia have well described directors duties in a concise and meaningful way. Sometimes less is more.

24. THERE IS A STRONG UNDERSTANDING OF RISK ASSESSMENT AND MANAGEMENT AMONG BUSINESSES.

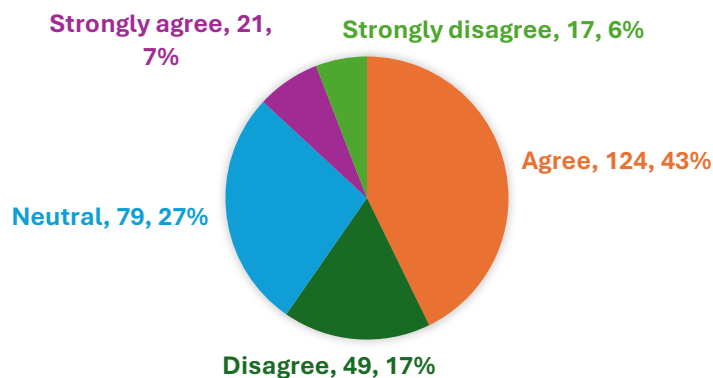


24. There is a strong understanding of risk assessment and management among businesses.	Count
Agree	65
Disagree	129
Neutral	59
Strongly agree	9
Strongly disagree	28

Comments

A significant 55% believe there is a poor understanding of risk assessment and management within NZ while only 25% agree there is. Again this is surprising given the Act is HSWA is 9 years old and much has been written and communicated regarding risk and risk management. We note the widespread use and misuse of risk matrix as delivered via Google. There are strong limitations when using risk matrixes as all the data used to populate cells is totally subjective plus the axis descriptors are not well aligned to the NZ business scene. The end result is a poorly use matrix tool with an answer of green cell indicating we are safe. A lot more works to be done in this space.

25. SAFETY TRAINING FOR STAFF IS READILY AVAILABLE AND ACCESSIBLE.

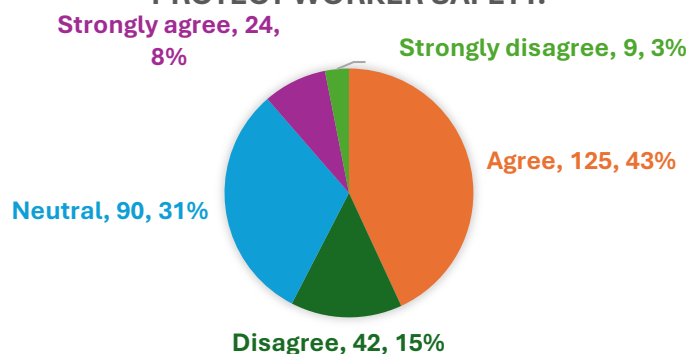


25. Safety training for staff is readily available and accessible.	Count
Agree	124
Disagree	49
Neutral	79
Strongly agree	21
Strongly disagree	17

Comments

50% report that access to staff training is readily available, while 23% indicate that it is not readily available. A significant 27% are neutral. Training and education is paramount with H&S issues. We note the often senior managers do not access to H&S training and fewer Directors and Board members as well. See question 23.

26. INCREASED WORKPLACE HEALTH MONITORING IS NECESSARY TO PROTECT WORKER SAFETY.

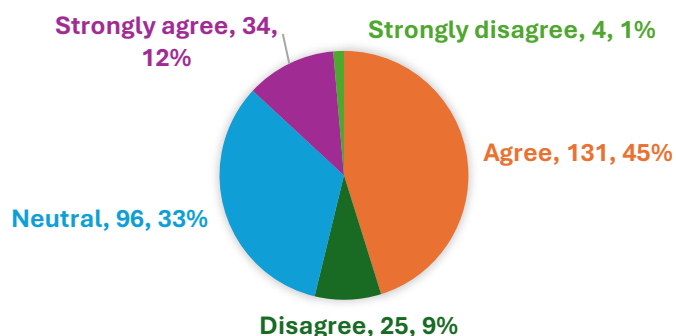


26. Increased workplace health monitoring is necessary to protect worker safety.	Count
Agree	125
Disagree	42
Neutral	90
Strongly agree	24
Strongly disagree	9

Comments

The results indicate that 51% of responders agree that more health monitoring would be beneficial while 18% disagree. As repeatedly communicated H&S ill health is the major source of harm in NZ workplaces, yet constantly receives the smallest budget and oversight. This situation has continued for numerous decades. The provision of H&S monitoring services is left to employers to source and fund. This can be an extremely costly exercise depending on the monitoring. The notion of prevention at source (dust and fumes) usually is very cost effective over a short time frame however this is not an issue at the time of concept work design, commissioning or plant extensions. Plant maintenance budgets are to do the minimum and in the least possible time. Engineers are both part of the problem and solutions here. They are often constrained by tight budgets and the need to restart plant quickly during shut downs or maintenance work. It is here the notion of continuous improvement and or safety cases could play a part. (see Q 8) There are adequate providers for most health monitoring services (Occ Health Nurses) however engaging an Occupational Hygienist is problematic and can be expensive.

27. POOR COMPLIANCE WITH HAZARDOUS CHEMICAL SAFETY IN THE WORKPLACE NEEDS MORE ATTENTION.

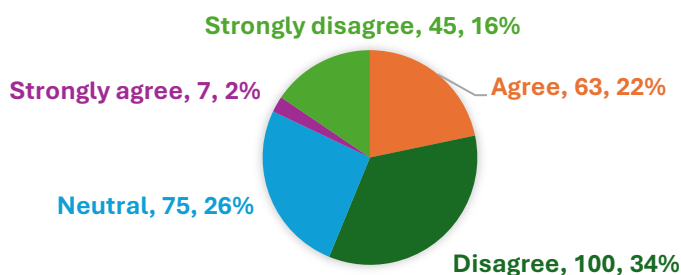


27. Poor compliance with hazardous chemical safety in the workplace needs more attention.	Count
Agree	131
Disagree	25
Neutral	96
Strongly agree	34
Strongly disagree	4

Comments

57% agree more work is needed when dealing with HSNO and its requirements. Some reports have indicated the level of competency within Worksafe to address HSNO issues is average to low. Other reports have shown the overall level of HSNO compliance is average to low as well. Given hazardous chemicals can pose both an acute risk as well as a chronic risk to health more work is needed in this space.

28. THE ADMINISTRATIVE REQUIREMENTS OF COMPLYING WITH THE HASWA ARE REASONABLE AND DO NOT IMPOSE AN EXCESSIVE BURDEN ON BUSINESSES.



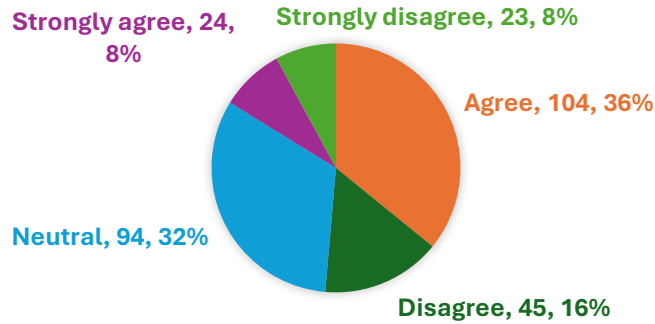
28. The administrative requirements of complying with the HASWA are reasonable and do not impose an excessive burden on businesses.	Count
Agree	63
Disagree	100
Neutral	75
Strongly agree	7
Strongly disagree	45

Comments

The results indicate that 50% feel the cost of comping is a business burden while only 24% feel it is not a burden.

The cost of business compliance in NZ is huge, both in terms of time but also dollars. While these are overheads the money comes from business sales and profits. The human capital costs can be significant even for so called small low risk jobs. Local councils will often add their layer of compliance to small jobs making them now expensive and taking more time. What could have been a simple low risk crane lift (spa pool) over the fence now is an expensive multi contractor job involving traffic control, cones, wardens and it just goes on. The extra expenses add nothing to the job except cost.

29. THE BENEFITS OF COMPLYING WITH THE HASWA OUTWEIGH THE COSTS FOR BUSINESSES.

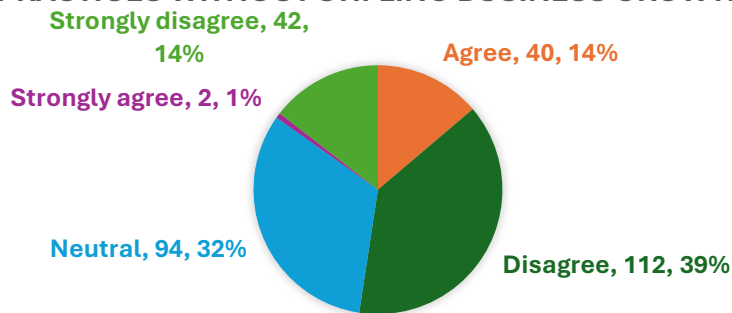


29. The benefits of complying with the HASWA outweigh the costs for businesses.	Count
Agree	104
Disagree	45
Neutral	94
Strongly agree	24
Strongly disagree	23

Comments

The results would indicate a positive return on costs (44% agree with 24% against) re benefits.

30. THE LEGISLATION ENCOURAGES INNOVATION IN HEALTH AND SAFETY PRACTICES WITHOUT STIFLING BUSINESS GROWTH.

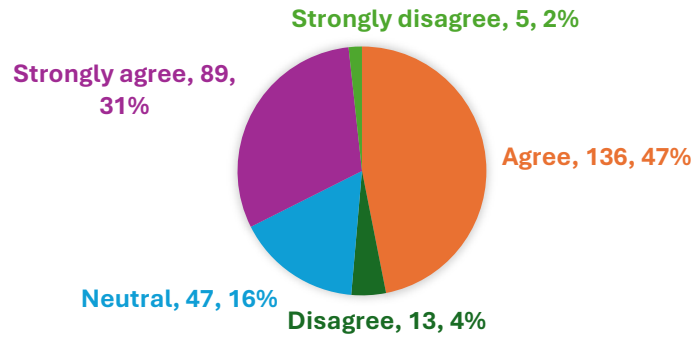


30. The legislation encourages innovation in health and safety practices without stifling business growth.	Count
Agree	40
Disagree	112
Neutral	94
Strongly agree	2
Strongly disagree	42

Comments

A comprehensive 53% disagree that the current HSWA legislation encourages innovation with only 15% agreeing. This is concerning as we need more innovation and new technologies to address H&S challenges. The law must allow for pilots and prototypes done safely as well utilising any ACC financial discounts.

31. MENTAL HEALTH CHALLENGES ARE INCREASINGLY EVIDENT IN THE WORKPLACE.

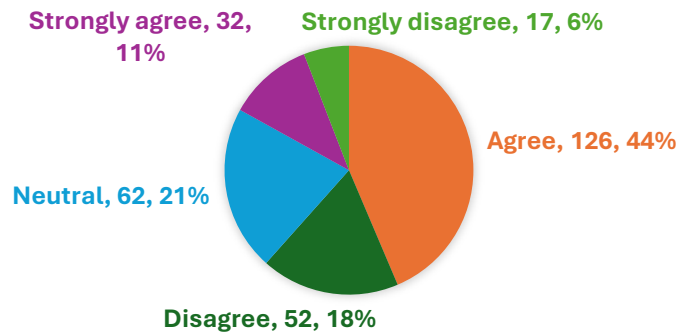


31. Mental health challenges are increasingly evident in the workplace.	Count
Agree	136
Disagree	13
Neutral	47
Strongly agree	89
Strongly disagree	5

Comments

A large 88% think mental health issues are becoming more evident within the workplace. This is not surprising given the post COVID 19 challenges coupled with the cost of living and job insecurity, a perfect storm. What is needed is more practical guidance following the ISO 45003 style. Employers do not want here what to do but rather how to do. Simple practical tools with follow up material. Addressing mental health issues is not a one job thing, it will require programmed interventions over a reasonable time frame plus other business systemic changes.

32. THE FINANCIAL COST OF COMPLYING WITH H&S OBLIGATIONS IS A BURDEN FOR BUSINESSES.

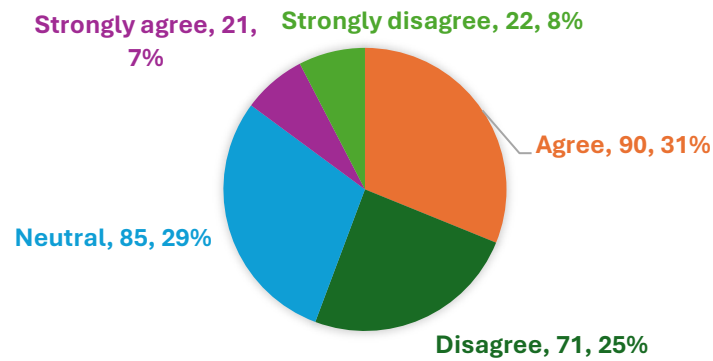


32. The financial cost of complying with H&S obligations is a burden for businesses.	Count
Agree	126
Disagree	52
Neutral	62
Strongly agree	32
Strongly disagree	17

Comments

A large 55% feel the financial cost of complying with H&S obligations is a burden for business while 24% disagree. See also Q 28. The cost of compliance is significant for most of businesses. It's a never ending pit with consultants and other professionals all selling something that is new and better. Business owners react to wanting to be compliant and having peace of mind so often will purchase products and services purporting to deliver compliance.

33. BOARD MEMBERS ACTIVELY ENGAGE IN WORKPLACE H&S PRACTICES.

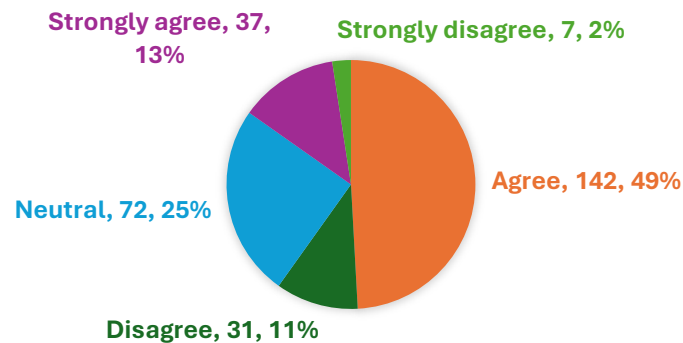


33. Board members actively engage in workplace H&S practices.	Count
Agree	90
Disagree	71
Neutral	85
Strongly agree	21
Strongly disagree	22

Comments

Just 38% of Board members are engaged in workplace H&S programmes, while 33% indicate the Board inactivity, this is not surprising but concerning. More guidance and communications are needed here.

34. HEALTH AND SAFETY REPRESENTATIVES CONTRIBUTE POSITIVELY TO WORKPLACE SAFETY.

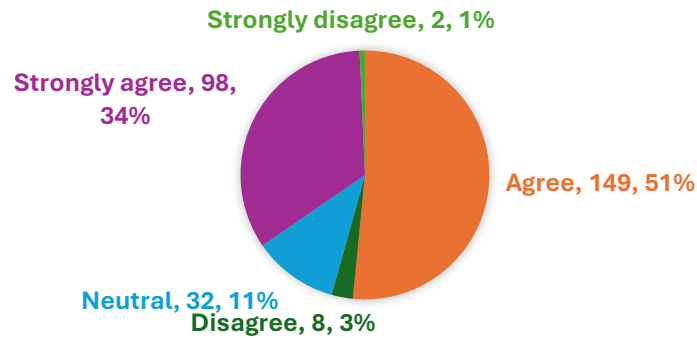


34. Health and Safety Representatives contribute positively to workplace safety.	Count
Agree	142
Disagree	31
Neutral	72
Strongly agree	37
Strongly disagree	7

Comments

A compelling 62% indicate having staff engaged, safety committees and or H&S reps are positive for the business. Only 13% take the opposite view. Utilising staff at all levels has a major impact on selling the safety message within the workplace. Having staff elected as H&S reps is a good vehicle for other staff to have a safe place to voice their concerns. More work is needed in offering soft skills available for H&S reps as opposed to just the hard skills.

35. PERSONAL PROTECTIVE EQUIPMENT (PPE) IS EASILY ACCESSIBLE FOR ALL EMPLOYEES.

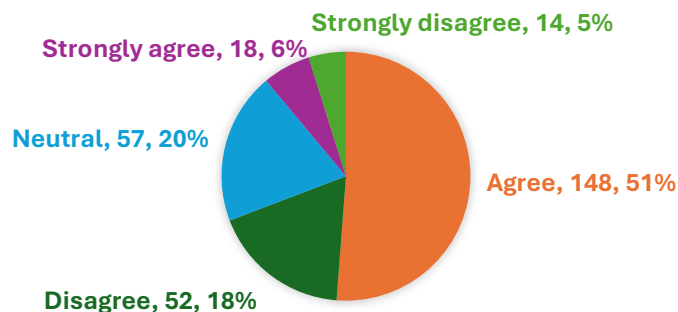


35. Personal Protective Equipment (PPE) is easily accessible for all employees.	Count
Agree	149
Disagree	8
Neutral	32
Strongly agree	98
Strongly disagree	2

Comments

The provision of PPE is not a problem with 85% agreeing and only 4% disagreeing. This does or could indicate the degree of use of PPE as a control rather than more effective types of control. What can be a problem is the maintenance and upkeep of gear to keep it all fit for purpose.

36. EMPLOYEES GENERALLY TAKE RESPONSIBILITY FOR THEIR OWN AND OTHERS' SAFETY AT WORK.

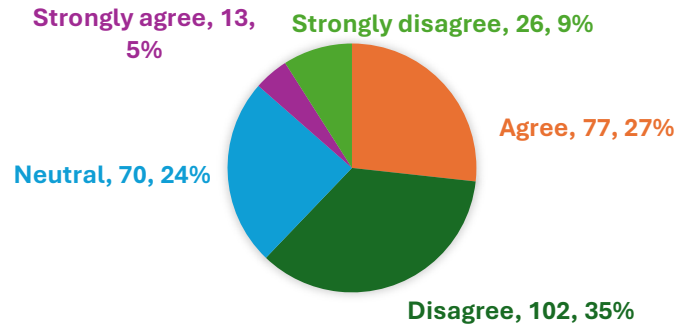


36. Employees generally take responsibility for their own and others' safety at work.	Count
Agree	148
Disagree	52
Neutral	57
Strongly agree	18
Strongly disagree	14

Comments

The mark of a healthy H&S culture is when staff are empowered to speak up where hazards present themselves to others in the course of work. The survey indicates 57% of responders feel this is the case, while 23% feel differently. If this true then it is hard to explain the current ACC and Worksafe injury statistics where tens of thousands of workers are injured each year. I feel some degree skepticism with this piece of data.

37. COMPANIES PRIORITIZE SAFETY ONLY WHEN IT'S CONVENIENT, RATHER THAN CONSISTENTLY.

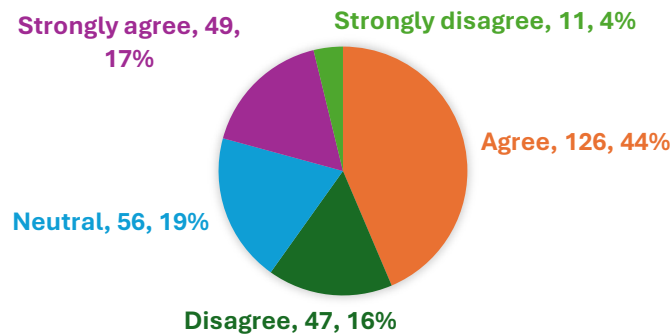


37. Companies prioritize safety only when it's convenient, rather than consistently.	Count
Agree	77
Disagree	102
Neutral	70
Strongly agree	13
Strongly disagree	26

Comments

It is pleasing to see that 44% don't agree with the statement while 32% do agree. This would imply that core H&S attitudes, beliefs and behaviours are front of mind.

38. H&S HAS BECOME MORE ABOUT PAPERWORK THAN ACTUAL SAFETY OUTCOMES.

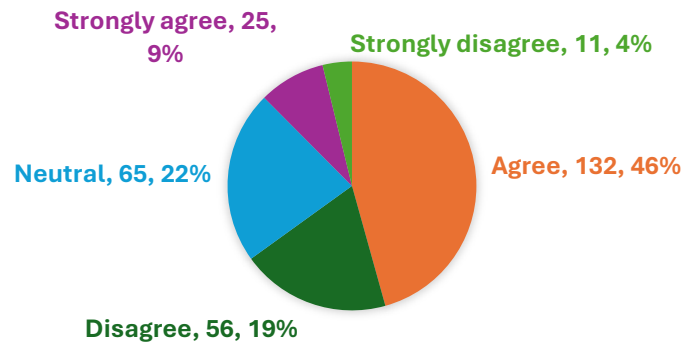


38. H&S has become more about paperwork than actual safety outcomes.	Count
Agree	126
Disagree	47
Neutral	56
Strongly agree	49
Strongly disagree	11

Comments

61% believe H&S is paper pushing while 17% disagree. The paper war is not required via the primary legislation however when things go wrong both inspectors and the courts will ask for proof of activity, hence documents. Indeed a recent court case found a director not guilty because they could show "megre documents" verifying activities. Other providers live on the back of selling policies, procedures and so this commercialising the H&S law through fear. Som elarger companies go over board re paper and forms to ne real outcome except to have ready mitigation if something goes wrong. In another sohere the documantation required for "prequal" is comprehensive, expensive and time consumeing all to be able to tender for a job.

39. THE ATTITUDE THAT "ACCIDENTS WILL HAPPEN" IS STILL PREVALENT IN WORKPLACES.

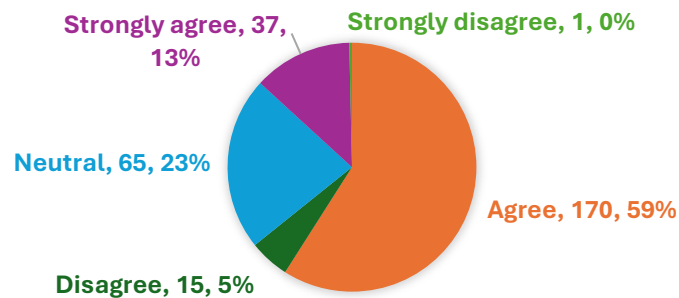


39. The attitude that "accidents will happen" is still prevalent in workplaces.	Count
Agree	132
Disagree	56
Neutral	65
Strongly agree	25
Strongly disagree	11

Comments

A worrying 55% believe accident will happen while only 23% have another view. If half the working population and or workplaces believe this fatalistic view we are as a country behind the eight ball. This view is alarming and lies at the root cause of some of our accident events. It reinforces "she'll be right" or "have a go" attitudes. Accidents are not inevitable but rather caused by action or inactions or people. Given we now what accident will happen (as identified in our hazard and risk registers) they can now hardly be called accidents as they were known, foreknown and mitigations put in place. They were in fact failure events.

40. NON-WORK-RELATED ISSUES BROUGHT INTO THE WORKPLACE OFTEN AFFECT SAFETY AWARENESS.



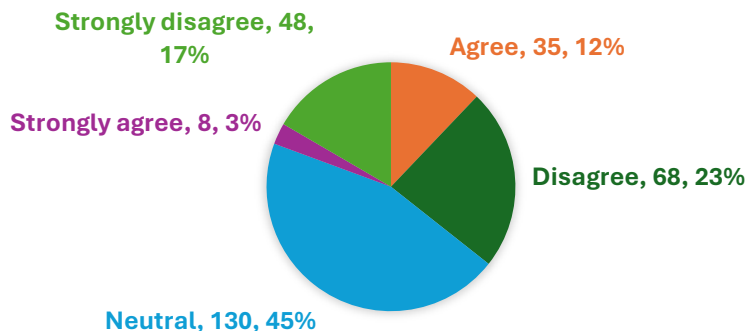
40. Non-work-related issues brought into the workplace often affect safety awareness.	Count
Agree	170
Disagree	15
Neutral	65
Strongly agree	37
Strongly disagree	1

Comments

72% of responders feel non work issues coming into work can affect safety awareness. Further qualifying questions were not asked however we can surmise the following could be included. Tiredness caused by small children, stress from financial issues, cost of living, sickness, partners, marriage issues, deaths in the family, drugs dependencies alcohol traffic issues and so it goes on. We know once the employee crosses the legal boundary of work, they become the employers responsibility

to keep safe. All this fits into the wellbeing portfolio. We do see and hear more employer working in this space, but we feel it is at a low to elementary level. Much work is required to confidently manage this space.

41. UNIONS PLAY AN ACTIVE AND EFFECTIVE ROLE IN PROMOTING H&S FOR THEIR MEMBERS.

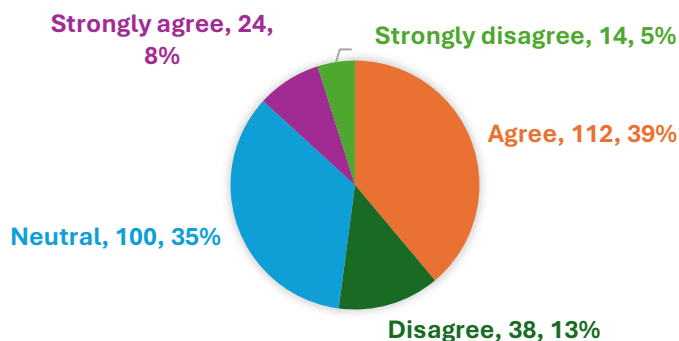


41. Unions play an active and effective role in promoting H&S for their members.	Count
Agree	35
Disagree	68
Neutral	130
Strongly agree	8
Strongly disagree	48

Comments

The results would indicate that Unions are not playing an active role in promoting H&S to their members. 50% of responders voted against the question. Only 15% thought unions had an active role in H&S. While 45% were neutral. This is somewhat surprising given the Union call for safety and engagement with staff.

42. H&S CONSULTANTS PROVIDE VALUABLE INFORMATION AND ASSISTANCE TO BUSINESSES.



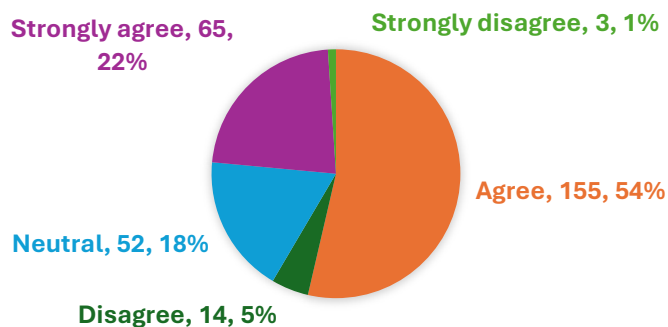
42. H&S consultants provide valuable information and assistance to businesses.	Count
Agree	112
Disagree	38
Neutral	100
Strongly agree	24
Strongly disagree	14

Comments

47% of responders thought H&S consultants added value to employers while 18% thought not. A large 35% were neutral. The H&S professional has improved over time and are usually associated with a Professional Organisation, but not all. People

are still able to set up a H&S consultancy with no training, no qualifications and no professional ethics behind them. There is the HASANZ Register of qualified H&S practitioners, but I am unaware of its use.

43. A LONG-TERM (5-10-15 YEAR) STRATEGIC PLAN IS NECESSARY TO IMPROVE NEW ZEALAND'S WORKPLACE SAFETY STATISTICS.

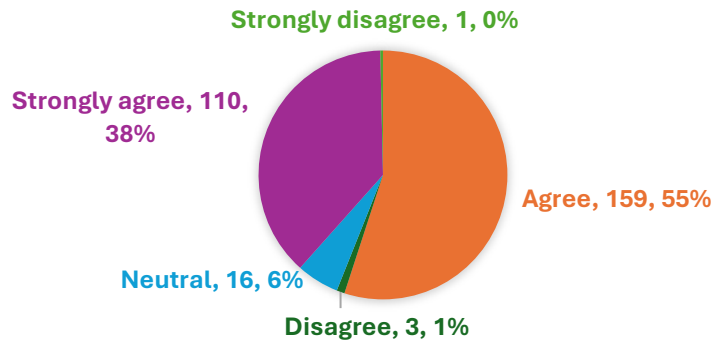


43. A long-term (5-10-15 year) strategic plan is necessary to improve New Zealand's workplace safety statistics.	Count
Agree	155
Disagree	14
Neutral	52
Strongly agree	65
Strongly disagree	3

Comments

Most responders (76%) votes for a long-term strategic plan, with only 6% disagreeing. This is good news however the strength of any strategic plan is the action plan to implement all the sequential steps in an orderly and timely fashion. To date there has been a lack of action plans to address the then current strategic plan. commitment to change plus resources the plan are fundamental to success. Government Ministers must be accountable for the delivery of the plans and hold to account Worksafe and or others to ensure this occurs. The frequency of review must not be annual or at the end of a Parliamentary term. Employers have indicated (Webinar survey) that they wished to be involved with any Worksafe guidance including strategic plans. (see below)

44. IT IS CRUCIAL FOR BUSINESSES TO HAVE A SIGNIFICANT ROLE IN SHAPING ANY NATIONAL WORKPLACE SAFETY STRATEGY.

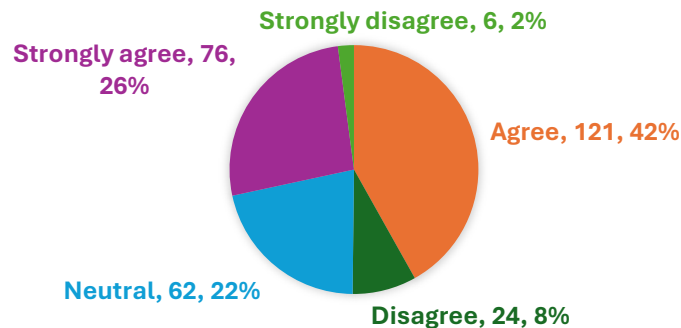


44. It is crucial for businesses to have a significant role in shaping any national workplace safety strategy.	Count
Agree	159
Disagree	3
Neutral	16
Strongly agree	110
Strongly disagree	1

Comments

Its clear 93% of businesses want to be involved in the formation of guidance and plans from Worksafe that ultimately affects them. This is a clear mandate from workplaces.

45. A PUBLIC CAMPAIGN IS NEEDED TO ADDRESS AND REDUCE THE ACCEPTANCE OF WORKPLACE DEATHS IN NEW ZEALAND.

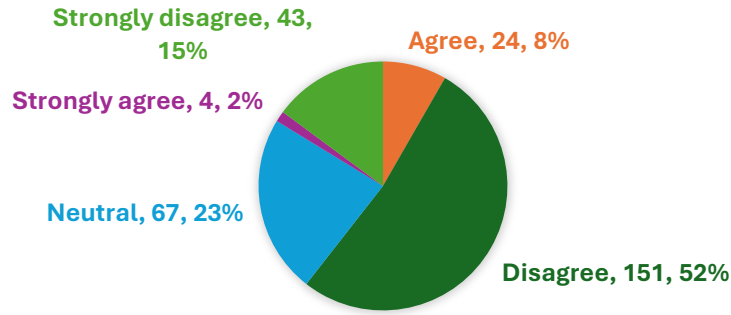


45. A public campaign is needed to address and reduce the acceptance of workplace deaths in New Zealand.	Count
Agree	121
Disagree	24
Neutral	62
Strongly agree	76
Strongly disagree	6

Comments

68% of responders agreed we must have a national campaign to address our woeful accident statistics. This must be centrally driven and funded for the long term. It must be followed up with multi levels of collateral to get the biggest possible effect. The campaign must include schools at all levels as these people will become the next cohort of workers. Remember we are trying to reduce(save) \$4.5 billion dollar, so any up-front money is peanuts in comparison.

46. THE GENERAL PUBLIC AND BUSINESSES HAVE A GOOD UNDERSTANDING OF THE HASWA AND ITS OBJECTIVES.

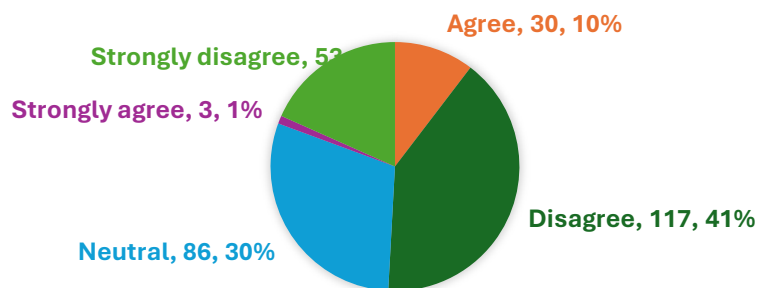


46. The general public and businesses have a good understanding of the HASWA and its objectives.	Count
Agree	24
Disagree	151
Neutral	67
Strongly agree	4
Strongly disagree	43

Comments

There appears to be a huge gap in the public knowledge regarding the H&S framework (67% disagreeing and 10% agreeing) and its objectives. See Q 45 above.

47. THE GOVERNMENT EFFECTIVELY COMMUNICATES UPDATES AND CHANGES TO THE HASWA TO ALL STAKEHOLDERS.

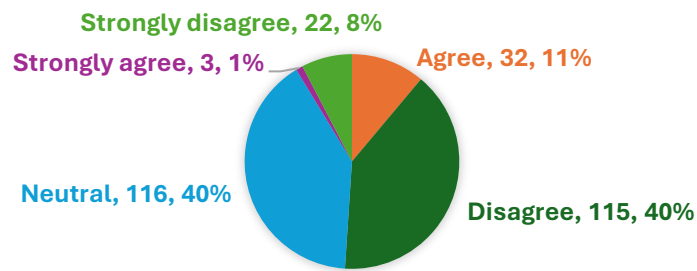


47. The government effectively communicates updates and changes to the HASWA to all stakeholders.	Count
Agree	30
Disagree	117
Neutral	86
Strongly agree	3
Strongly disagree	53

Comments

There is a large cohort of responders who do not agree that the government (Worksafe) communicates well with business and the public at large. 59% disagree with only 11% agreeing with statement. This should empower Worksafe to set aside secure funding for communication channels to promulgate its messages.

48. STAKEHOLDERS, INCLUDING BUSINESSES, UNIONS, AND WORKERS, ARE ADEQUATELY ENGAGED IN THE PROCESS OF REVIEWING AND UPDATING THE HASWA.



48. Stakeholders, including businesses, unions, and workers, are adequately engaged in the process of reviewing and updating the HASWA.	Count
Agree	32
Disagree	115
Neutral	116
Strongly agree	3
Strongly disagree	22

Comments

There is a clear answer here that stakeholders do not feel engaged in reviewing the HSWA legislation (66%) verses (12%) who agree. We note the Minister has undertaken an extensive road show and visited many workplaces. This has been widely applauded.

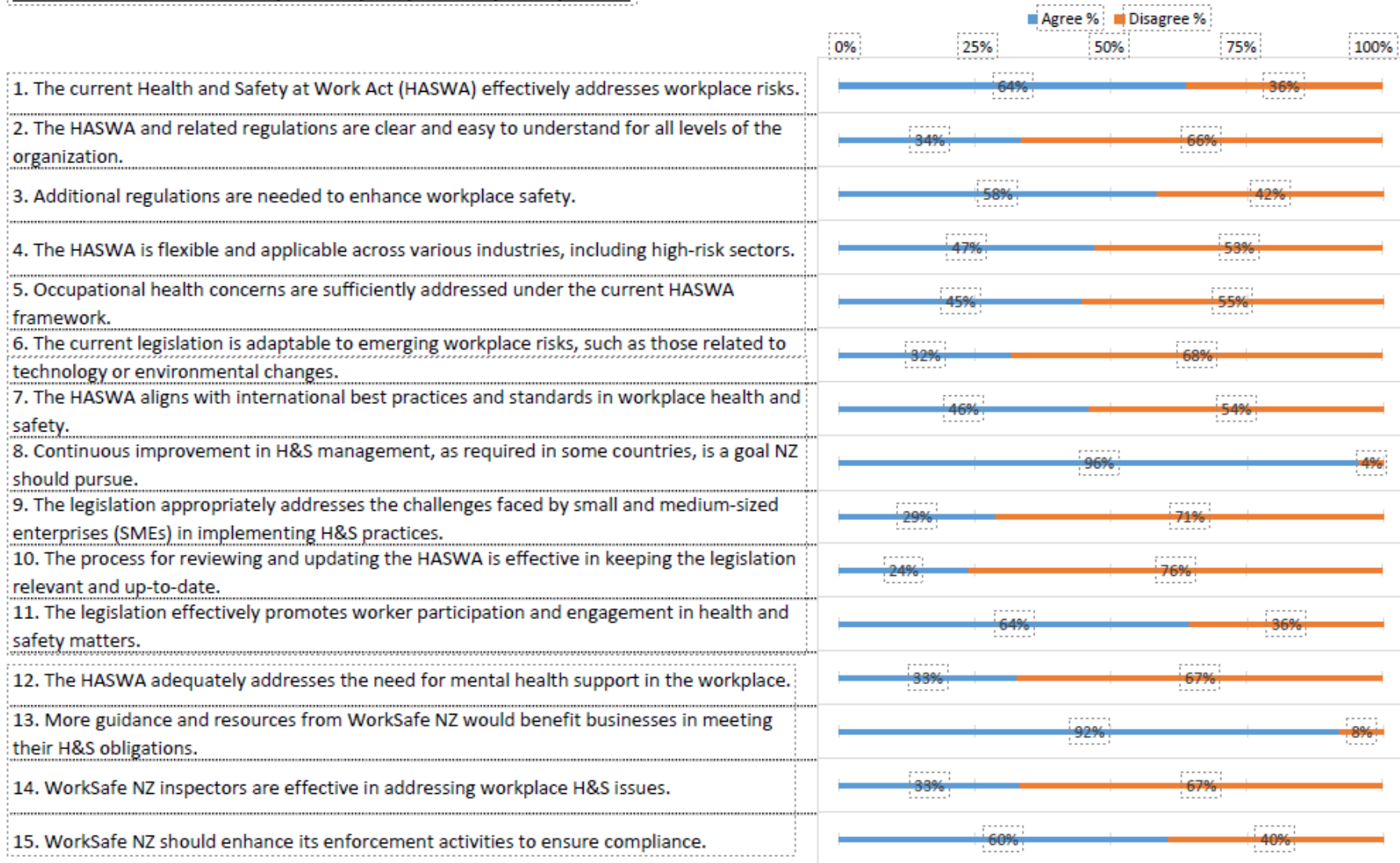
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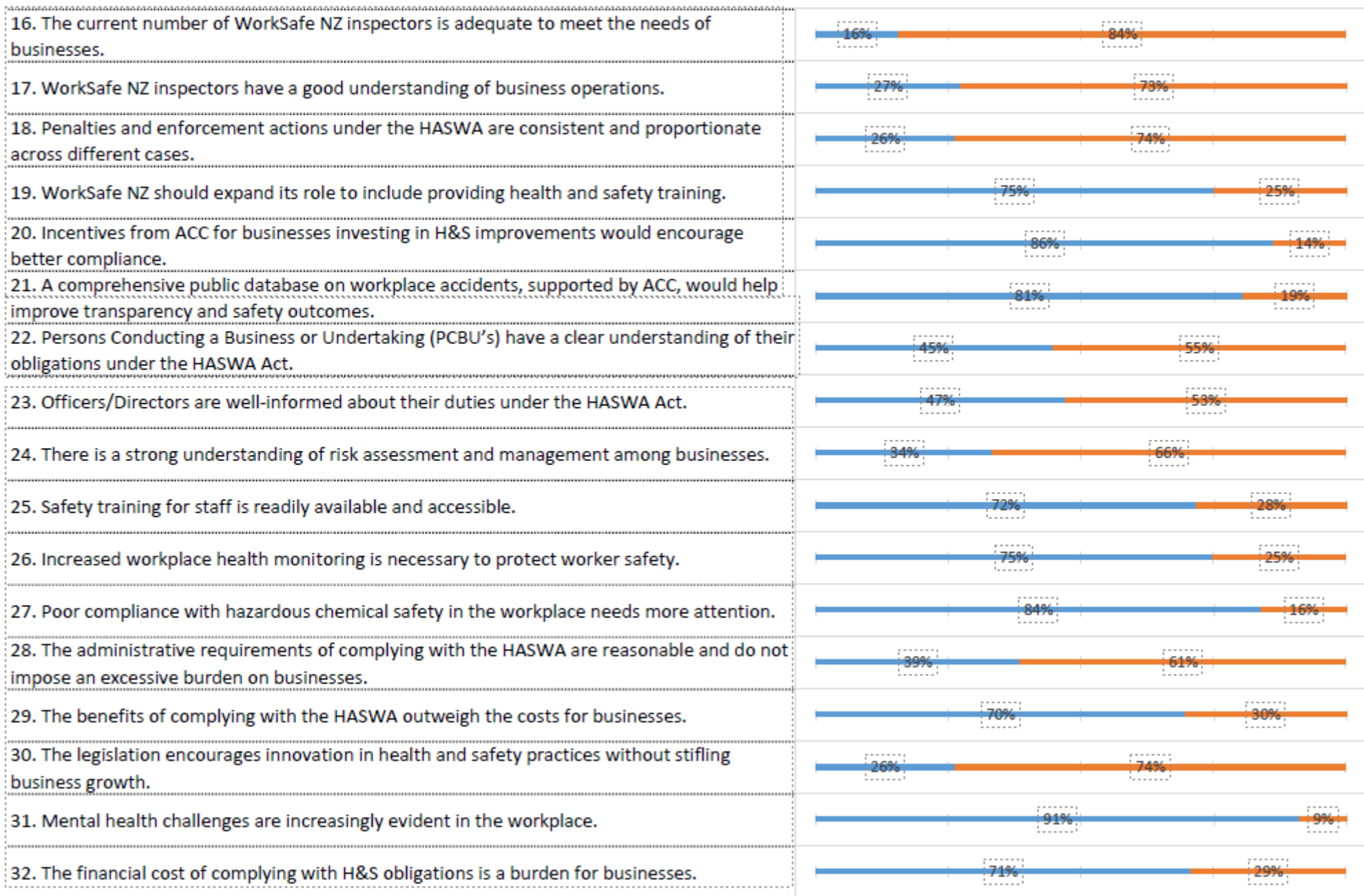
All the data has been collated and reproduced in a simple chart form for easy reading and comparison.

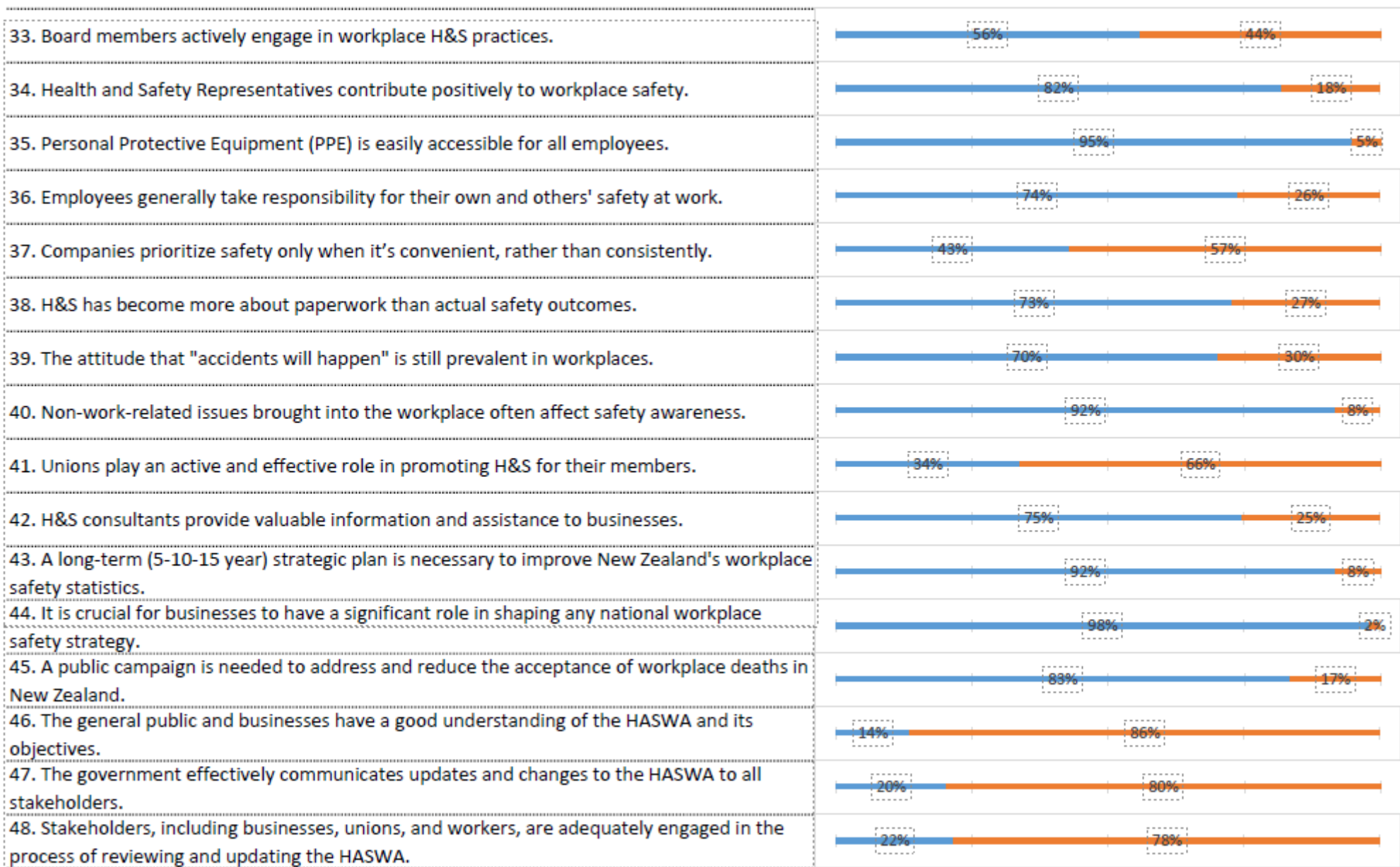
See **Appendix 3**

Appendix 3

EMA Members Health & Safety Reform (2024) Summary Survey Results







Appendix 4

From EMA survey.

Question 50. Free text. “Please share any other thoughts you have on how NZ H&S system could be improved. What is working well and what needs attention. Your feedback is crucial in shaping the future of NZ workplaces.”

There were many lines of text submitted for this question. We have attempted to summarise these for easier reading.

We have also collated them against the various sectors the respondent came from.

1. Accommodation and Food Services

- As a hospitality business, we operate under a Business-Specific Registered Food Control Plan, which provides us with a comprehensive instruction manual, rules, and guidelines. This plan offers clear directives not only for meeting our legal obligations but also for implementing task-specific procedures in our daily operations. We believe that a WorkSafe industry-specific operations manual, covering everything from start-to-finish, rules for daily tasks to training induction topics, SWP templates, policy details, fire evacuation and training requirements, daily task checklists, vehicle safety, and mental health guidance, would be immensely beneficial. In short, an operational sector specific guideline/manual in layman’s terms that we can follow to ensure compliance. In our experience, it’s clear that common sense cannot always be assumed in Health and Safety, and being overly cautious is not necessarily a drawback. However, we are mindful of predetermined notions about Health and Safety and how they might affect our workers' responsiveness to implementation and procedural changes, as they may perceive these measures as unnecessary additional work.

2. Financial and Insurance Services

- Clearer guidelines and are required around contactor management and the expectations for SMEs and different industries.

3. Health Care and Social Assistance

- I have been a H & S rep at my company for five years. I attend monthly meetings and have complained many times about the lack of progress - we seem always to be bogged down with the development of policy rather than actively addressing ways in which safety at work could be improved. Our H & S committee meetings end with our CEO giving instructions in various areas and allocating responsibilities to staff members. This is not the way the committee is supposed to function. We seldom have serious accidents where I work (the most recent was a broken arm) but our work is with children and young people and risk is high.
- Focus on the high-risk stuff and not the very low risk.
- More free sharing of resources to manage health and safety in the workplace.

4. Arts and Recreation Services – NIL

5. Administrative and Food Services – NIL

6. Public Administration and Safety – NIL

7. Agriculture, Forestry and Fishing

- Sometimes it’s hard to know where to go to find out what new standards and legislation have changed, Worksafe could send email updates to the appropriate businesses when this happens, unless they do, I’m not sure.
- Leaders/inspectors within Work Safe need to get out in the field, understand the business's, provide advice and guidance & have the same responsibilities & consequences as PCBU’s.
- I don't believe anything is working well. Small businesses are expected to do the same amount of paperwork and documentation as large businesses and it is impossible, overwhelming and driving small businesses and their owners to despair.
- There is so much talk of employees mental health but there is nothing for small business owners.

- The review needs to focus on small business and how to assist them in becoming compliant. Small business are an easy target and therefore they are targeted because Work Safe have a greater chance of success - another nail in the coffin of small business.
- I would like to see any changes proposed, being put to ALL business owners, prior to it being finalised so they can have a say on whether it is workable or not. The legislation needs to reflect the reality of being 'on the job' rather than being written by people/agencies who have no experience of how to make the legislation work in the real world.
- Small businesses need to be prioritised as they are the bread and butter on New Zealand, and they are currently being crushed out of existence with the unreasonable expectations of the current legislation.
- Legislation currently seems to be about having to have taken all practicable steps - but there are differing views on what is practicable. And by that stage it is too late.
- Think there should be minimum standards to be met - and businesses then know where they stand - meeting them or not - but to think you are doing the right thing and then find out you should have been doing more isn't helpful and makes it quite disconcerting for the person tasked with H&S.
- It would be great to see more guidance and structure around maximum work hours. Currently only having rules around driving hours hurts those in other roles as the fatigue and duty of care is too subjective. Especially when adding in travel time to and from the workplace. Easy, concise and meaningful information when working with H&S legislation would be great.

8. Construction

- I believe H&S basic information should be developed and implemented at college level and move into employment with that foundational knowledge rather than have to learn the adaptive skills, the physical skills and the H&S knowledge simultaneously.
- ACC needs to investigate suspected cases of fraud. There are too many claiming they have hurt themselves in the workplace when the truth is they just want time off work, or they have hurt themselves in their own time. When information is provided to ACC detailing the fraud (Facebook posts doing extreme physical activity, travelling to other countries for a holiday, failed return to work attempts, concerns from Occupational therapists, multiple medical certs until a doctor is found that will sign them off as being fully unfit for work, medical certs that last for months being fully unfit when there is no diagnosis of the actual injury etc.)
- ACC does nothing to help the person return to work or investigate the fraud. Instead, they allow the fraud to continue as it is too easy for them to put the cost on to the business in higher levies etc. Doctors also need to be held accountable for issuing medical certificates for long periods of time and also for when there is no actual diagnosis of an injury. It appears that the first option is always to declare a person fully unfit instead of asking about light duties available. When a person ticks the box on an ACC form saying that the injury happened at work, ACC refuse to investigate or look into the matter further unless the 'injured' person agrees. Obviously, the person wants time off or has hurt themselves in their own time and wants it to be covered so it's too easy to say something happened at work even when there is no evidence to support it. The injured person should have to provide evidence and be subject to an investigation if the workplace does not accept that the injury happened at work. ACC has a lot of responsibility and does not provide any justification or information around decisions that are made..... Also, mental health is becoming more and more of an issue in the workplace and needs to be handled with great care. I believe the government should subsidize EAP Services to make it more affordable for businesses to provide these specialist services to their team members. Not the lifeline services etc. proper EAP Services..... Regulations and best practice guides are constantly changing in H&S areas; more communication is required when these changes are made..... There are multiple health and safety management software systems out there, the government should introduce one that is subsidized to help businesses fulfil its obligations.
- Health and safety performance in New Zealand is poorly measured and managed. When comparing NZ's performance to Australia and the UK, the data doesn't account for differences in the medical system, such as

ACC in New Zealand. We often see employees with long-term soft tissue injuries who continue to aggravate their condition, despite being fully aware of their existing injury.

- Pre-employment screenings do little to protect these workers, as it's nearly impossible to avoid recruiting individuals without a history of soft tissue injuries. Additionally, New Zealand's healthcare system is a factor. Many workers have no choice but to claim their injury occurred at work because getting surgery for soft tissue injuries is either prohibitively expensive through the private system or the public system is too slow or doesn't offer the necessary surgery.
- The cultural context in New Zealand, beginning in homes and schools, also plays a role. Often, employers are unfairly blamed. Soft tissue injuries tend to affect younger workers, who may ignore advice to use lifting aids or seek help, and older workers, whose bodies naturally weaken with age. We also need to consider the impact of different ethnicities and the prevalence of injuries among these groups. New Zealand has a high proportion of small to medium-sized businesses where safety culture is not always ideal. WorkSafe could make a significant impact by focusing on these areas.
- There is a fundamental issue with how health and safety is being managed in the Western world. Acts and regulations are often too prescriptive, focusing excessively on written processes rather than truly protecting workers. For example, at one site, I had over 150 risk assessments and nearly 50 staff members. It's nearly impossible to train everyone on all of these assessments, let alone expect them to understand and remember numerous written procedures. The key is to focus on making workers hazard aware. For instance, teaching them how to handle situations where they work at height is far more effective than giving them multiple procedures filled with repetitive information about working at height. If you believe you can be dropped into any situation and remain reasonably safe, it's because you are hazard-aware, not because you've read through fifty procedures!
- People are using the excuse that it is too complicated.... It's not complicated to risk assess your work and put in suitable controls. Too much she'll be right attitude.
- Your question 4/19 asked about the role of Worksafe in H&S training. There is plenty of training available without them getting involved too. But they do need to take a role leading/showing business what they expect in order to show businesses what "acceptable" practice looks like. At the moment the key issue is that businesses do not know whether they are doing enough. Worksafe needs to provide guidance on what acceptable and best practice look like in different industries.
- Worksafe need to REGULATE industries so that they can enforce specific change and eliminate poor performers. Those regulations need to be clear and delivered to industry representatives to enable the industry to self-manage and 'dob' on those that don't follow the regulations.
- Until the person who is at risk from harm both is empowered to say no and punished for their infractions by an impartial 3rd party, we will struggle to solve this problem. If one of my team is caught speeding while driving during his work time, they get fined, not the company. Why should it be any different for HSE? If someone has been given all the tools, training and equipment to do the job safely and they choose not to, why should that be the responsibility of the employer. While ACC offers a no-fault level of cover, complacency will remain rife.
- While we have business responsible for H&S, we will never to the correct solution. If an employee is speeding while driving while working, the police deal with it. It should be the same for injury. All injuries resulting in treatment at a medical Center that are flagged as work related and sent to Worksafe. Worksafe should request an investigation be submitted within two weeks. The result of the submission can result in small fines to the employee. No one like speeding fines and the same thing applies in this instance.
- As business is required to adhere to AS/NZS 4801:2001 there should be a standard platform that every business should apply for and be registered for that can be simply shared with other PCBU's which would eliminate the need for additional 3rd party prequalification requirements which increase costs and time to comply with. If every business was, as an example, certificated by Impac Prequal or Totika then I believe this should be evidence enough to mitigate other PCBU's risks under the act. One simple certificate and everyone can work seamlessly together. Most Small business in general do struggle with the understanding and time of implementation.

- the hierarchy of controls can't be effectively implemented against a requirement for all reasonably practicable steps; administrative controls are almost always reasonably practicable, and this drives paperwork and administration rather than actual safer outcomes.
- I would like to see compulsory training and certification for all workers entering a high-risk injury. The high-risk sectors need specific focus to reverse decades of neglect. These are often the sectors most available for entry level employment however, there needs to be a united, minimum level of risk appreciation and mitigation taught across NZ. I believe educating the workplace on individual responsibility and ownership of each industry HSW statistics is a powerful tool for improvement.
- I think the HS culture in NZ is a joke - We have far too many people dying each year. I think more of a coaching approach with Worksafe being more active in the field not only as inspectors, but more to give knowledge and teach especially the small businesses who don't actually understand so they're not doing paperwork for the sake of it they actually understand the purpose. I think increasing the fines may make people be more careful and try to understand, but there is always room for shortcuts. I think no one wants to do the wrong thing at the end of the day, but taking short cuts benefit the businesses economically or in another way rather than health and safety, so finding a way that businesses are able to comply with less financial burden on implementation - even knowledge shared or how they can practically apply this in their own sector would help. More public campaigns also.

9. Education and Training

- WorkSafe needs to be more actively involved in education and ensuring COP are created and maintained. There are ways to comply with current legislation without creating a paper war and WorkSafe needs to be actively involved in developing these systems for small to medium business. Tools before prosecution.
- The full set of regulations (including plant, etc.) need to be released. HSWA is not broken, but businesses need good, clear guidance documents so they meet their obligations. Worksafe also needs to be appropriately resourced so they can carry out their duties effectively.
- Current legislation is open to interpretation, we found HS consultants have different opinions and approaches. So, if the experts can't agree, what hope do businesses have?
- Different guidelines should be made available from WorkSafe depending on the business risk profile (for example, forestry, manufacturing, office work, food industry, etc.).
- More clarity should be provided, and the consultants should be employed by WorkSafe for consistency.
- On hazardous substances of the nearly 600 pages of regulations is unwieldy, convoluted and overly complex. Look at segregation of incompatible substances in laboratories, if the regulations were strictly applied most laboratories would close. There already exists standards developed as a result of collaboration between the regulator, industry and the community, e.g. AS1940. These standards appear to work well and in reasonably plain English.
- We now have in some cases highly dubious advice, which is overpriced at legal rates without the competence.
- Weeds have to be tackled at their roots as does bad legislation. Most of the failures in H&S legislation must now be clearly laid at MBIE's door who are responsible for the development of H&S legislation, the Parliamentary Counsel Office (PCO) who continue to drafting incomprehensible, lengthy legislation (e.g. the RMA) and fundamentally the Public Service Commission who have singularly failed to oversee there is a fit for public service and appointed abysmal CE's for WorkSafe NZ.

10. Electricity, Gas, Water and Waste Services

- The HASAW Act is clear,
- NZ H&S legislation does need to be improved, not the HASAW Act but the supporting regulations.
- We are a small business spending tens of thousands of \$\$ to comply with the H&S requirements This includes some large operators who have specific staffing resources to have the documentation to avoid any sort of penalty if there is an incident or prosecution, yet on a day to day basis their staff knowingly & deliberately operate unsafely. This unfair & uneven playing field should be one of the first & most important things to be addressed.

- For example, we subcontract to a large construction company we'll call P, For us to do this work, we need to be Tōtika accredited at a high level, which costs us 10s of 1000s. Fine, however, they have a designated H&S staff resource who have also achieved Tōtika but their staff often flaunt H&S requirements on the job.
- Another example, when attempting to engage a roofer for the main workshop building, so many have a minor H&S policy/system but apply it to their practice in their own interpretation which often doesn't comply with the legislation or regulations. Nobody checks on this. No point reporting to Worksafe either, they are not interested until there is an incident.
- There is a poor presence of regulators around the country, with a number of rural businesses especially not even worried about reporting their incidents as they know WorkSafe's presence is nil in their area, WorkSafe will not bother investigating serious harm events because they do not have the people to do so, especially rurally.
- There needs to be a change in mindset from business owners and boards on health and safety, this will only come from real focus from the government and regulators.

11. Information Media and Telecommunications

- In my experience (which all relates to office based/professional employees), the risks and penalties for independent directors have driven some absolutely crazy behavior's at board level, which aren't at all likely to improve workplace safety, and ultimately just cost the business money to protect the board from nearly any eventuality.
- There needs to be balance in the law. It's also incumbent that any legislation helps businesses develop a culture of safety, instead of just a bureaucratic process of safety. I'm not advocating for an 'accidents do happen' mentality, however I'm advocating that safety should be built into everything we do in an active way (such as training for employees to ask "How do I do this task safely?"), rather than passive safety (where the obligation is entirely on 'the business' to have thought through every possibly unsafe aspect of something, and put a plan in place to mitigate it).
- In my experience, making the board of every business criminally liable for H&S has the very negative effect of paralysing some businesses, whilst many, cruise on unaware that they have H&S risks - both physical and criminal.
- WorkSafe needs to be adequately resources and funded both with experienced inspectors and document writers to update the guidance material available. Worksafe needs to be consistent with when and how they prosecute. Their latest strategy is not sufficient to drive a culture change throughout all businesses in New Zealand, nor does it comply with the S.M.A.R.T. concept. WorkSafe needs to be held accountable for failing businesses. They should focus on making sure companies that continually fail to manage risk are held accountable and not get distracted by entering into the training realm.

12. Manufacturing

- SME's need to be better understood when shaping legislation than can seriously restrict a business's ability to grow without risking compliance breaches particularly around the use of hazardous chemicals.
- Worksafe a regulator needs to actually regulate the law, get rid of what they feel and provide accurate, workable advice for business and actually make a call and stand by it. Focus on the engage and educate part of their role.
- The legislation and compliance requirements need to be more specific and targeted or customised to the specific industries to make it more relevant and relatable to the specific business sector or industry. It should be very clearly "black and white" with no grey areas or things left open ended for interpretation. It should include clear cut "you must" or "have to" instead of giving silly analogies or stories to explain things and how it applies. It should be as simple as asking a question like "how many first aiders do I need in my business" and the answer being as clear as "for a business with 50 or more employees working on site in the manufacturing industry, you a recommended to have 1 first aider for every 15 people on site."
- Worksafe should provide a consultancy and advice type of engagement. They apply a stick more than carrot and ambulance at bottom of the cliff. If a business is applying some health and safety methods effectively, this should be shared and promoted. It is hidden it appears as a competitive advantage is not readily shared.

- From our perspective, we're all measured on our paperwork. A whole extra layer of consultants has arisen. Box ticking will not save lives.
- There are still a lot of small businesses (20 people or less) with little to no compliance, and it's scary. Generally, any medium to large business (over 20 people) isn't going to get away with that and has professional directors that wouldn't allow it.
- There needs to be more consistency between WorkSafe inspectorates. Baseline training for all employees (tailored to the industry) needs to be robust, as there is too much reliance on designated staff to take responsibility for H&S.
- Increase WorkSafe staff and introduce a funded educational department whose job it is to encourage, support, resource and educate industry.
- It would be great if WorkSafe had a recognised Business H&S prequalification that all business must obtain, so many businesses try to do right but the cost of trying to meet /obtain all these other organisations pre-qualifications (Workwise, IMPAC, Totika) come at a cost for small business. ACC dropped its accreditation program for businesses and WorkSafe was going to implement a system that would replace this but never came through, now business are not engaged continuous improvement as they nothing to benchmark from.
- Would be great if WorkSafe had easily accessible information for Safety Reps that is understandable for them. New Zealand has a large workforce now that English is their second language, but our all the safety information is very difficult for them to understand, need more interactive learning on WorkSafe site so these English speakers can learn about safety in the workplace.
- ACCs WSMP rating was a good initiative in improving workplace safety procedures and minimising accidents. Experiencing rating isn't as effective.
- Need access to more relevant resources like guidelines/best practice and templates. Ways/suggestions on how to encourage worker participation.
- Focus needs to put on those sectors with the worst death statistics, I would create a separate independent entity to improve these sectors eg Forestry Worksafe etc. I would make the sector licensed operators only, very prescriptive and litigious, if need be, drive non complaint or accident-prone operators out of business.
- Worksafe need to engage with businesses to support improved outcomes, subject matter experts providing guidance rather than you have to figure it our yourself and if you don't, we will prosecute you is an attitude that does not support continuous improvement but fosters fear and loathing.
- Businesses need more straight-forward direction and guidance on how exactly to fulfil their duties under the HSWA. Codes of Practice and guidance documentation from WorkSafe is exceptionally valuable and you only have to look to Australia to see examples of these documents. This provides clear requirements and guidelines for businesses at all levels to access best practice guidance.
- Health and safety attitudes will improve in NZ as the "old guard" retires. Younger generations are much more accepting to including health and safety considerations in their day-to day tasks.
- Health and safety attitudes will improve in NZ as the "old guard" retires. Younger generations are much more accepting to including health and safety considerations in their day-to day tasks.
- Over burden on paperwork, and dumb things like forklift retraining when license expires. The cost of H&S to be compliant for small business huge. The expectation that a business owner will be an expert means they have to outsource. Which means costs increase, if in exporting another huge cost disadvantage in the world. List
- Common sense and a mutual understanding of both employer and employee responsibilities is missing. WorkSafe should be more proactive in helping businesses; and not be reactive and unnecessarily punitive if an accident happens. They should be visiting worksites and giving advice (sensible). The stick should only be used for repeat offenders.
- A business can follow all the requirements, but ultimately if the employees do not buy into what the business/HASWA require all the blame for employee non-compliance falls to the Employer.
- I believe Inspectors need to specialise in areas.
- Health and Safety Professionals including WorkSafe need to adapt and evolve on how they think and work within their industries it's not one size fits all. H&S professionals are still perceived negatively. Promote the

career right from school age, and why it is such a great career option. It might change how people think about safety in the workplace. Take it into the schools more.

- The act as it is fine - the issue is Worksafe take a punitive approach based on "the employer/PCBU is guilty until proven innocent and must be punished". Worksafe acts as compliance officers vs. continuous improvement advocates. When the act was set up it introduced the path for Enforceable Undertakings. This is a great initiative and should be used to engage industries in continuous improvement initiatives –
- Currently the focus is only on the PCBU taking steps that are "reasonably practicable" - which is a very wide brief - and no account is taken of whether an incident was "reasonably foreseeable".
- Importantly H&S application in the workplace is reliant on everyone at that PCBU to own H&S and act in a safe manner. Worksafe tend to focus on engineered solutions, however many risks in a manufacturing environment cannot be solved by an engineered solution, the PCBU must rely on the workers to act in a safe manner. This is clearly stated in the H&S act in section 45 (Employees responsibility) which goes into the responsibilities of the workers i.e. H&S in practice is a shared responsibility. This means section 45 has rarely been tested in court that I am aware of - which doesn't take away the fact that the PCBU must provide a safe work environment.
- regulations for machinery and mobile plant would go a long way to preventing serious harm. Increasing the requirement of those in charge of maintenance programs to develop their skills and knowledge.
- The number of Worksafe inspectors, particularly within the High Hazards Unit requires a significant increase. With the increased responsibilities of this sector (MHF in particular) there is minimal consideration given to the workload placed on inspectors and the inability for those inspectors to undertake the full extent of their roles.

13. Professional, Scientific and Technical Services

- Current framework is too focused on documentation/ processes; we need changes in behavior/ outcomes for real change and these aren't necessarily linked to having a great policy document!
- The legislation is very hard to read and complicated. Unfortunately, WorkSafe does not offer assistance with the legislation when asked direct question. The problem here is that the legislation is up to interpretation which can be tricky for smaller businesses (I am talking specifically about hazardous substances and smaller laboratories).
- Some parts of HSWA and associated regulations need updating to reflect changes in standards and procedures. When speaking with workers it is evident that they generally know what they should be doing BUT it is the attitudes of management and supervisors that determines the safety culture in a workplace. Often the culture is concerned more with output than safety. Officers and SLT members often lack the H&S skills to successfully manage a safe workplace.
- WorkSafe need to be the Go-To one stop shop, for H&S not just enforcement but providing information and training.
- We should learn from successful advanced European countries regarding how a good H&S system can work.
- Less paperwork, more focus on what is happening in practice. We also need an overhaul of the ACC system, it's too easy for employees to go to the GP, get signed off for weeks under ACC with no attempt to review light duties, or ensure that they are getting the right treatment and taking responsibility to get themselves work ready.
- Less paperwork, more focus on what is happening in practice.
- Life skills including HAS should be taught in schools such that young people entering the workplace have some understanding of how to manage their own safety on a daily basis. Simply telling them that 'they have a duty to be safe' will never work.
- Make it simple and easier for anyone to understand.
- We value our staff, and we invest in and protect our offices to be safe places for employees.
- The farming sector needs to be brought into with other sectors as they are the main contributors to work related deaths in New Zealand.
- Engage at all levels of business, it isn't one size fits all, big business risks differ from a handyman.
- Worksafe need to become a proactive provider of safety information and advice with inspectors out in businesses helping them to understand ways to keep their workers safe, rather than the reactive prosecution tool they currently appear to be.

- Prosecutions need to be transparent and appropriate. We need good accurate HSE related information provided by one source of truth. Accountabilities need to be clear e.g. who is responsible for what.
- We need a clear concise action plan for the next ten years to help reduce worker deaths and injury, with clear targets and accountabilities to the bodies responsible for reaching those targets. The missing regulations need to be addressed ASAP and old dated best practice guides reviewed and updated.

14. Other Services

- WorkSafe need to be more proactive in prevention. Less paperwork and more assistance in how to comply with regulations.
- The requirement to reduce risks to "ALARP" sounds reasonable, until you try to apply it.
- Plant and equipment Regulations and ACOPS need attention as they are old and potentially not fit purpose in some areas e.g. ACOP for Forklifts was published in 1995 and relates to the Health and Safety in Employment Act.1992.
- The HSE prequalification system in NZ is horrific. One system which can be tiered and adapted for small to medium to large businesses is achievable and should be in place. The time currently taken to complete a vast amount of prequals by HSE professionals is huge and costly to businesses. HSE professionals are stuck behind a computer all day long instead of out on site supporting and auditing their teams. This is real health and safety.
- Currently the admin and paperwork related to compliance is unachievable. An example for our business of prequals is that we are a crane and transport company with 180 employees. We have over 300 customers and complete on average 80 prequals a year. Some of them such as Totika take a good week to complete, and some can take a few hours. They are not focusing on your HSMS.
- A recent time study within our HSE team in our business calculated that 20% of my role as an HSE Manager is taken up with completing prequals. This was a very reserved estimate and will be potentially more.
- It is becoming unwieldy, there needs to be more focus on people engaging and taking ownership, not just PCBU's. We have found that the inspectors don't do well with niche or complex businesses, they try the one size fits all - they miss the practicable piece. We need to look past Australia to other countries achievements and how they do it as I don't think the current system is working for NZ.
- We are hiring the lowest of the lowest of society and expect them to be safety conscious.

15. Retail Trade

- H&S is largely about culture and NZ has a very long way to go.
- Unless you are a major hazard facility, there is a lot of conflicting information, guidance and regulations. HSNO is the best example of this.
- Unless you are a major hazard facility, there is a lot of conflicting information, guidance and regulations. HSNO is the best example of this.

16. Transport, Portal and Warehousing

- Location test certification for major hazard facilities is not a level playing field. Especially within Hazardous Substance Storage Site.
- In the larger view, business still blame employees for almost all serious events and due to the large number of SME's and courts view on ensuring they do not suffer too much financially along with an absence of corporate manslaughter in the HSWA, little will change in our safety record.
- The current situation is not changing the attitude towards H&S by addressing the real problems, it is merely attempting to hold individuals accountable.
- The Act itself is fit for purpose in most areas. The proliferation of Blue Tape is the issue that is stifling businesses and taking focus away from actually keeping people safe and is instead of paper based / box ticking activities that organisations believe they need for fear of getting prosecuted.

- The should be some thought put into reducing the amount of pre-qualifications PCBU can force onto other PCBU. The pendulum has swung too far, and all emphasis seems to be on PCBU rather than a partnership between workers and PCBU i.e. workers can make silly errors, but the PCBU get s prosecuted for it - this takes any ownership away from the people.
- We believe that any person managing safety in the workplace must have a min of a Diploma and be registered as a professional with NZISM and be on the HASANZ Register.
- There are too many people calling themselves professional however they are merely administrators.
- We need more focus on wellbeing.
- The amount of paperwork and the time it takes to complete, especially on big jobs, is adding to costs and in many cases is not required or relevant to the task being carried out. not saying it should be dropped altogether but tailored to the specific task to save time and cost.
- Intensify incentives, create awareness of safety for all which shouldn't be based on punishment but on common sense and reward.
- As a professional Truck operator of over 40 years the standard of Truck drivers today is poor, stop using mobile phones 📵 without Bluetooth would save a lot of problems, and not just Truck operators, drugs and alcohol should be random testing every week, load safety scrutinized etc..
- provide government funded training to businesses on how mental health and human rights align with health and safety initiatives.
- Plant and equipment regulations need updating. The cost and time spent completing prequalification's is a financial burden on business. If you have a large customer base you will receive a huge number of prequals. Customers will stop you working for them and can sometimes withhold payment if a prequal has not been completed. Our business does on average 80 -90 prequals every year. This is valuable time taken away from being on sites to support our teams.
- More mandatory requirements around H&S management. eg Businesses over 100 staff must have a dedicated H&S manager and there should be a mandatory audit process in place to ensure staff safety training is at required levels. So many staff do not receive any documented H&S Training.

17. Wholesale Trade

- It is great that the 2015 legislation introduced more accountability for PCBUs and Directors. However, change, along with the increased reporting requirements has clearly not had the desired impact on the number of workplace deaths and has added costs, complexity and frustration for almost everyone in our organisation.
- For an SME compliance is arduous and getting exact answers on right and wrong can be exceedingly difficult. Inspectors for Sitewise Accreditation can be inconsistent and give the impression of not necessarily reading in detail the enormous amounts of input required.
- Training for employee responsibility in personal safety and responsibility. The company cannot always be responsible for acts that are unsafe if adequate training is given.
- The ACT is too hard for small businesses, and too unwieldy for low-risk businesses, especially large ones, where there is a need for an H&S manager just to deal with the bureaucracy, but the business doesn't get value out of that person, it's just "ticking the box". Smaller businesses need more help from WorkSafe and shouldn't have to pay consultants to get the help they need.