



New Zealand Institute of Safety Management

## About NZISM

The New Zealand Institute of Safety Management is the professional body for health and safety generalists (managers, advisors and consultants). We have 2,800 members (70% of the estimated 4,000 strong generalist workforce). Our members work across all industries and with all business sizes.

We have 14 local branches from Northland to Southland. We provide our members with internationally-recognised professional accreditation and a full programme of continuing professional development and learning. We are almost entirely privately funded with the majority coming from member subscriptions.

In your capacity as the Minister for Workplace Relations and Safety, you have one of the most important roles in New Zealand's workplace health and safety system. **We would like to issue you an open invitation to address our members either in person or via webinar.** Our members would love to hear from you and engage with you.

We note and welcome your commitment to reform health and safety law and regulation this term. **We are engaging fully with your process and are encouraging our members to do likewise. We would be delighted to work with your office on engagement events if you wish.**

To support your reform programme, we have undertaken a major survey on health and safety reform. We have received more than 1,300 responses from health and safety experts across the country. This survey informs our comments below.

## Health and safety system and WorkSafe

The health and safety system has suffered from a lack of coordination and leadership. Funding mechanisms, roles and policy functions across government (ACC, MBIE and WorkSafe) are confused, sometimes contradictory, under-resourced and slow to adapt. This means regulatory change has been unable to meet expectations set in the Working Safer Blueprint (the National Government's response to the Independent Health and Safety Taskforce) and the intent of the 2018-28 Workplace Health and Safety Strategy has not been translated into tangible action.

**We encourage you to refresh the legally-mandated Health and Safety at Work Strategy** with an emphasis on demonstrable, evidence-based action and clear accountabilities and that this is **supported by a Ministerial Advisory Group** that can give you contestable advice from those who are working in the system every day (business leaders, health and safety experts and workers). **This needs to be supported by the allocation of targeted resources to those parts of the system best able to support delivery; whether public sector or NGO agencies.**

WorkSafe has been criticized for a lack of clarity and follow through in its work (for example the SageBush baseline review). WorkSafe needs to be clearer about its unique role in the system as a strategic catalyst for change rather than purely transactional. NZISM's view is that the new operating model of focusing only on the four highest risk sectors along with authorization regimes misses many of the most pressing cross-cutting harms (such as those associated with psychosocial and musculoskeletal risks), key influences on

business (such as importers of work equipment or the role of directors) and is not backed up by a clear intervention strategy.

**WorkSafe needs to be funded and supported to meet the expectations we have of it.** The ratio of WorkSafe inspectors to 100,000 workers has fallen significantly in the last ten years from (8.4 in 2013 to 6.3 in Q3, 2023). This is well below international comparators. But it is not just about numbers, it's about the skills and competencies needed to intervene effectively in an increasingly complex, but poorly understood, system. We have concerns around the balance between responsibilities between workers and employers, the independence of prosecutorial decision making and WorkSafe not using all the tools in the toolkit.

### **Guidance and regulations**

Our members have told us that one of the key problems in the system is a lack of guidance and regulation around particular risks. Some of this is a hangover from the previous Government's failure to pass the intended regulations to support the HSW Act. Not every gap is necessarily best filled by regulation: There may be times when Safe Work Instruments, Codes of Practice or other guidance is better suited. But the gaps need to be filled to give businesses, workers and experts confidence and reduce uncertainty. **NZISM ask that the Ministry of Business, Innovation and Employment is tasked with updating these regulations in the next three years and resourced to do so.**

Like the 2012 Taskforce, **we strongly recommend that the Government support business groups and workers, to develop core guidance that can be endorsed by WorkSafe as safe harbours of good practice.** Start with the high-risk industries and critical health and safety risks, embrace the concept of 'steal with pride' by first looking to existing overseas guidance and align WorkSafe's intervention strategy around embedding these critical controls universally.

### **Health and Safety at Work Act 2015**

The Health and Safety at Work Act 2015 is not yet 10 years old and was based on some excellent work done by Safe Work Australia and with its roots in the UK Act which is just passing its 50<sup>th</sup> anniversary NZISM's survey of 1,300 health and safety professionals suggests that **the Act does not need major reform.** We have some tweaks that we think would improve the Act but our overall message is that there is more to be gained from the other actions above.