

**Hon Brooke van Velden MP**  
Minister for Workplace Relations and Safety

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Monday, 28th October 2024

Dear Minister,

## Priorities for health and safety reform

Thank you for prioritising improvement to New Zealand's health and safety system. We share your desire for New Zealand to have the best possible health and safety system and to improve health and safety outcomes for workers while minimising unnecessary confusion and costs.

The value of improving health and safety outcomes is profound. Many of us have worked with people who suffered permanent disability from their work, or the families of workers who never came home, and we work to prevent this happening to other families and communities. This includes the burden of work-related diseases which are fifteen times more likely to kill a worker than an accident.

Good health and safety is of significant benefit for business. The Business Leaders' Health and Safety Forum conservatively estimates the cost of workplace illness and injury in New Zealand at \$4.9 billion per year. Well-targeted investment in health and safety will pay dividends to businesses, communities, and the country.

Your first principles review has prompted us to consider what we think is working and what we think needs improvement in the health and safety system. We have come together as representatives of businesses, workers, and health and safety experts to see whether we have a shared view of what would improve the system and meet your goals. We have set ourselves the challenge of making three joint recommendations to the Government.

The three recommendations that we urge the Government to consider are:

- ▶ Better system leadership and coordination.
- ▶ Improving and investing in WorkSafe.
- ▶ Better regulations and guidance.

Our view is that the Health and Safety at Work Act 2015 is fundamentally fit for purpose, though we will work constructively with you and your officials to identify improvements.

## Better leadership and coordination

New Zealand's Robens-model health and safety model is premised on the idea that businesses, workers and Government should work closely together to improve the system. We do a poor job of this, and it hurts our health and safety performance.

The Health and Safety at Work Act 2015 requires the Government to set out the overall direction in improving the health and safety of workers. While the previous Government did publish a Strategy in 2018, it would be fair to say that it has remained directionless due to that Government's failure to put in place an action plan to deliver and measure outcomes. Strategy without implementation is a wish rather than a plan.

Compounding these issues is a complex and dysfunctional set of funding mechanisms, roles and policy functions across Government. This dysfunction is particularly acute between MBIE, ACC and WorkSafe but also wider than this. Fixing these issues requires action that only you as Minister and your Cabinet colleagues are empowered to make. **We ask that you refresh the Health and Safety at Work Strategy 2018 with an emphasis on demonstrable, evidence-based action and clear accountabilities.** This needs to be supported by the allocation of resources to those parts of the system best able to support delivery - whether public sector or NGO agencies.

**We recommend that this is supported by a Ministerial Advisory Group** that provides recommendations directly to you and your Cabinet colleagues rather than mediated through officials. This should be industry-led with representatives from employers, workers and experts. It could be resourced with a Secretariat from MBIE, ACC and WorkSafe but the advice should come to you.

### Improving and investing in WorkSafe

WorkSafe has been criticised for a lack of clarity and follow through in its work (for example the SageBush strategic baseline review). Despite the recent changes, WorkSafe needs to be clearer about its unique role in the system – as a catalyst for change, working on the major harms to New Zealand workers and at a strategic level rather than purely transactional.

**We ask that WorkSafe is adequately funded and supported** to meet the expectations we have of it to be a system leader; to intervene on the right issues, in the right place at the right time; to create and maintain a level playing field through clear and consistent standards and their application; and to hold poor performers to account. This is in part an issue of resourcing and capability. There are too few WorkSafe inspectors. But it is not just about numbers, it is about the skills and competencies needed to intervene effectively in a complex system and this includes specialist capability and support functions.

### Better regulations and guidance

One of the reasons why businesses and workers struggle to know what to do is because the job of passing regulations in relation to particular risks was not finished after the passage of the Act in 2015.

There are many risks that have outdated requirements (hazardous substances and work) or scant regulation (plant and structures, mental health risks). **MBIE should be tasked with updating regulations in the next three years and resourced to do so.** Where appropriate to address risks with lower order regulations (such as Safe Work Instruments or codes of practices) MBIE should work with WorkSafe to deliver these.

Like the 2012 Independent Taskforce on Workplace Health and Safety, **we 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.

### The Health and Safety At Work Act 2015

Separately and collectively, we have thought long and hard about the fitness for purpose of the Health and Safety at Work Act 2015. The Act is less than 10 years old and was based on excellent work by SafeWork Australia. While many of us have tweaks and small improvements

that we would recommend, **our view is that the Act is fundamentally fit for purpose and change is unlikely to significantly improve outcomes** (particularly compared to the other interventions we recommend).

We have engaged and will engage further with you and your officials on constructive changes to the Act, but we urge you also to consider other solutions.

Thank you again for your work to improve the health and safety system. We look forward to working with you and would be delighted to meet with you to discuss these ideas if you are interested.

Ngā mihi nui,



Katherine Rich

Chief Executive  
Business New Zealand



Richard Wagstaff

President  
New Zealand Council of Trade Unions



Robyn Bennett

President  
New Zealand Institute  
of Safety Management



Mike O'Brien

Chair  
Health and Safety  
Association of New Zealand



Francois Barton

Chief Executive Officer  
Business Leaders'  
Health and Safety Forum

Endorsed by:

- Employers and Manufacturers Association
- GM Safety Forum
- Te Rōpū Marutau o Aotearoa - the Māori Health and Safety Association
- Women in Safety and Health Excellence New Zealand
- New Zealand Society for Safety Engineering
- Faculty of Asbestos Management of Australia & New Zealand
- New Zealand Occupational Health Nurses Association
- Occupational Health Physiotherapy Group
- New Zealand Occupational Hygiene Society
- Occupational Therapy New Zealand Whakaora Ngangahau Aotearoa
- ShopCare Charitable Trust
- Forestry Industry Safety Council
- MinEx
- MarineSAFE
- StayLive
- WorkSafe New Zealand Chair in Health and Safety, Victoria University of Wellington

cc: Prime Minister; Deputy Prime Minister; Minister of Finance; Minister of Regulation; Minister for ACC