

HASANZ Conference

**Worker Engagement,
Participation and
Representation**

September 2016



Is health and safety the absence of something...or the presence?

Today's discussion

1. What does good like?

- **Hazel Armstrong**, Hazel Armstrong Law
- **Kirstie Hewlett**, GM Strategy and Performance

2. Table discussion

- What does this mean for different organisational levels?
 - What does this mean for H&S professionals?
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Worker representation Panel session for HASANZ

Hazel Armstrong

What needs to be present for worker representation to work?
September 2016

Hazel Armstrong Law
BARRISTERS & SOLICITORS



The Task Force identified weaknesses in our health and safety practices

- Lack of regulation
- A weak regulator
- Poor worker engagement and representation
- Inadequate leadership



What needs to be present for worker representation to work?

- Worker representation needs to be supported by:
- the Regulator
- Backed up by well written, up to date standards, which have been developed with input from workers and their representatives
- Leadership that respects compliance with their duties
- Workers who request trained HSRs to represent them.

Rimutaka Tunnel safety issues



TranzMetro reps Gary Innes, Wayne Coley and Tony King holding a copy of petition of names wanting health and safety improvements in the Rimutaka Tunnel.

The Challenge

- We are still plagued with the challenges that the Task Force posed.
- Three case studies illustrate the challenges:
 - A recent fatality in the lift industry
 - The low take up of HSR training using the example of the forestry sector
 - Poor compliance with minimum standards in NZ



Lack of Regulation

A strong legislative framework

- On 14 January 2016 Brendon Scheib was crushed to death under the lift he was working on.
- 17 years ago a Voluntary Code of Practice was drawn up by the lift industry and endorsed by the regulator at the time- Dept of Labour.
- This code- drawn up without worker/union involvement- apparently reflects the “current state of knowledge”.
- This out of date code of practice, drawn up by industry is setting the bench mark for health and safety practices.



A weak Regulator

- Worksafe found that the lift pit switches did not comply with an AS/NZ Standard as they were not shrouded and did not have a lock out facility, and were located in a position where they were exposed to accidental activation.
- The pit switches did not comply with an A/NZ Standard in that there was no clear indication on whether they were activated or not
- This design and positioning of the switches is common in NZ
- No prosecution transpired.
- What does that tell us? That non compliance with an A/NZ Standards is tolerated by the Regulator?



Poor worker representation

- In the last few months HSR training courses in the forestry sector have been cancelled because the uptake is abysmal
- With about 9500 workers in forestry - who without doubt work in a high risk industry -the numbers of trained HSRs remain low
- A web site search shows there is no visible campaign for HSR's to be elected and trained in the forestry sector.



Inadequate leadership failure to comply with legal duties

- 170, 000 workers do not have written employment agreements
- Casuals and part-time workers are most affected
- The worst industries are agriculture, forestry and fishing where 20% of workers have no written agreement
- Almost one in ten workers do not have their terms and conditions in writing
- Amongst labourers the rate is 15%
- 10.2% of non union workers have no agreement, compared to 2.4% of union members.
- Non compliance with employment law is a health and safety problem and demonstrates a lack of leadership in every respect and at every level of our society.

More than 170,000 denied legal right to written employment agreement

VERNON SMALL

September 1 2016



Forestry is one of the worst sectors for failing to provide written employment agreements

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What role and how can H&S professionals encourage worker representation?

- Reflect on lessons learnt from the Royal Commission and the Task Force
- Support training of HSRs
- Commitment to compliance with employment and health and safety duties

WORKING TOGETHER ON HEALTH AND SAFETY

> Worker Engagement & Participation



EVERYONE WHO GOES TO WORK
COMES HOME HEALTHY AND SAFE

WORKSAFE
NEW ZEALAND | MAHI HAUMARU
AOTEAROA



1. HAVING TWO-WAY CONVERSATIONS ON RISK IDENTIFICATION

“We needed better communication, so started asking workers how they would assess risks and address them on site. This led to a lot more interaction and tailgate talks”

Patrick Coughlan, Coughlan Construction

2. IT CAN BE SIMPLE AND WHAT WORKS FOR YOUR BUSINESS

“Encouraging workers to participate hasn’t been difficult, and buy-in has been brilliant”

Robert Smith, H&S Manager, Real Steel

3. WORKING TOGETHER TO FIND SOLUTIONS (NO BLAME CULTURE)

“Rather than managing health and safety from the top, it’s managed from within...”

Ulrich Biesenbach, Head of Geothermal Generation at Contact Energy

4. ENSURING WORKERS KNOW THEY ARE BEING LISTENED TO

“As a collective, we can provide a lot more ideas. To do that, you need a way for everyone to have their say...”

Stuart Irwin, Health, Safety and Environment Manager
Livestock Improvement Corporation

5. NEEDS TO MEET YOUR WORKERS' NEEDS AND FEEL COMFORTABLE AND EASY TO DO

“...Because fifty per cent of our workers are Samoan, my role is to translate to make sure we deliver exactly the same health and safety messages to everyone”

Uta Asovale, Health & Safety Representative
Waste Management Lower Hutt

Contact

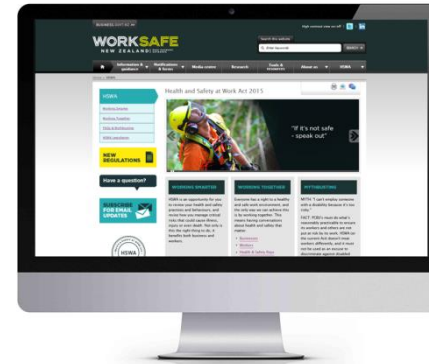
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THE CONTACT GROUP

WHAT YOU CAN DO AS A H&S PROFESSIONAL

- » Remind businesses that they don't have to have all the answers – **asking workers' views is a simple first step**
- » Remember there isn't a 'one size fits all' approach, sometimes the simplest solutions are the best ones and provide advice/support that is tailored for the business
- » Remind senior leaders that workers raising risks is a barometer that your business is focussed on health and safety
- » Encourage businesses to do what works best for their workers – **innovate**
- » **Provide examples** of what other businesses are doing

WHAT WE'RE DOING TO HELP YOU



Go to www.worksafe.govt.nz

“We need a new way of thinking”



**GETTING YOU HOME HEALTHY AND SAFE.
THAT'S WHAT WE'RE WORKING FOR.**

WORKSAFE
NEW ZEALAND | MAHI HAUAMARU
AOTEAROA

TABLE DISCUSSION

- What does effective engagement, representation and participant look like for:
 1. The top table?
 2. Middle management?
 3. Front line supervisors?
 4. Workers?
- What's getting in the way of that happening?
- What does that mean for the H&S professional?