



Workplace Health and Safety Council 2009 Annual Report

INTRODUCTION	1
BACKGROUND	2
COUNCIL MEMBERSHIP AND TERMS OF REFERENCE	2
KEY ISSUES	3
Review of the Workplace Health and Safety Strategy	3
Review of the Council	4
Management of hazardous substances	4
Health and safety representative training	5
Funding for industry training capability programmes	6
Business Leaders' Health and Safety Forum	6
Agency business plans and work programmes	6
ACKNOWLEDGEMENTS	7
LOOKING FORWARD	7

INTRODUCTION

1. This report covers the work of the Workplace Health and Safety Council (the Council) during the 2009 calendar year.
2. Some of the main health and safety issues considered by the Council during this period include:
 - the review of the Workplace Health and Safety Strategy
 - the review of the Council and its Terms of Reference
 - the management of hazardous substances
 - health and safety representative training
 - funding for industry capability programmes
 - the development of the Business Leaders' Health and Safety Forum
 - agency business plans and work programmes.
3. During 2009, an operational review of the Workplace Health and Safety Strategy for New Zealand to 2015 (the Strategy) was undertaken, and as part of this broader process, the Council itself was also reviewed. The review found that there is a strong level of support among stakeholders for the Council to continue to develop in its role as an actively engaged peak body.

BACKGROUND

4. The Council was established in 2007 to support improved health and safety outcomes in New Zealand workplaces. It is designed to provide leadership, build consensus and give advice to the Ministers responsible for workplace health and safety.
5. In particular, Council members focus on the best ways to progress the Workplace Health and Safety Strategy for New Zealand to 2015. The Strategy provides an overarching framework for the Council's work.
6. The Council's principal objectives are:
 - to provide leadership and advice on the implementation of the Strategy and on an ongoing basis in the area of workplace health and safety
 - to build and broaden consensus between the stakeholder representatives and with government (through engagement with Ministers and officials)
 - to assist in the coordination of an effective joint health and safety and workplace injury prevention programme with an industry focus and maximum employer and worker participation.
7. Part of the context for the establishment of the Council was to enable New Zealand to ratify the International Labour Organisation Convention 155 concerning occupational safety and health. The Convention requires states to establish a central body to ensure coordination between government agencies, employers and employees.

COUNCIL MEMBERSHIP AND TERMS OF REFERENCE

8. The Council has a tripartite membership consisting of government, employer and employee representatives. Ex officio members include the Ministers responsible for workplace health and safety, the President of the New Zealand Council of Trade Unions (NZCTU) and the Chief Executive of Business New Zealand. Two representatives of employees and business are nominated by their respective organisations.
9. Following the 2008 General Election, the Minister of Labour Kate Wilkinson joined the Council as an ex officio member. Accident Compensation Corporation (ACC) Minister Nick Smith has delegated his ex officio membership to Pansy Wong, Associate Minister for ACC. Fritz Drissner joined the Council in July 2009 as a nominee of NZCTU, filling the position vacated by Carol Beaumont.
10. The current members of the Council are:
 - Hon Kate Wilkinson, Minister of Labour
 - Hon Pansy Wong, Associate Minister for ACC
 - Phil O'Reilly, Chief Executive, Business New Zealand
 - Helen Kelly, President, New Zealand Council of Trade Unions
 - Panu Raea, General Manager, Safety and Employee Well-being, Air New Zealand (BusinessNZ nominee)

- Paul Jarvie, Manager Occupational Health and Safety, Employers and Manufacturers Association (Northern) (BusinessNZ nominee)
- Andrew Casidy, General Secretary, Finsec (NZCTU nominee)
- Fritz Drissner, Health and Safety Coordinator, Engineering, Printing and Manufacturing Union (NZCTU nominee)

For more detailed information about individual Council members, see <http://www.whss.govt.nz/whsc/whsc-members.shtml>.

11. The Council's Terms of Reference (ToR) were reviewed during 2009. Department of Labour (the Department) officials and Council members met in December and proposed a number of amendments to the ToR. The revised ToR have been endorsed by the Council and are now with the Minister of Labour for her consideration and final approval.
12. The revision of the ToR aims to:
 - accurately describe the links between the ToR and the Strategy
 - clarify the role of government agencies on the Council, including a new provision that overtly supports active participation of agencies in discussions at Council meetings
 - reaffirm the core activities of the Council
 - replace the specific descriptions of the now disestablished workplace health and safety-related advisory groups with a more general provision outlining the Council's relationship with other health and safety-related advisory groups.

KEY ISSUES

13. The Council met four times during 2009. During these meetings, Council members addressed a wide range of health and safety issues and engaged with a variety of stakeholders. The following major issues were considered:

Review of the Workplace Health and Safety Strategy

14. A planned review of the Strategy was carried out during 2009. The Council provided oversight and leadership throughout the review process.
15. The review included a series of public consultation events, consultation with relevant government agencies and in-depth stakeholder interviews with a range of health and safety practitioners and experts. A range of written submissions were also received. The Department conducted a formal stock-take of activities that have been completed since the Strategy was launched in 2005 and developed a draft Outcome Monitoring Framework to link activities to results.
16. Some of the main conclusions of the review were:
 - the Strategy is sound, has stakeholder support and has had a number of practical and encouraging achievements in its first three years
 - the Strategy needs clearer direction to engage stakeholders at the workplace level

- an action agenda is needed to bridge the gap between the Strategy's higher-level framework and implementation activities
 - improved cross-agency leadership and coordination is needed
 - New Zealand needs to build and strengthen its monitoring, measurement and data analysis capacity
 - there is support for the Workplace Health and Safety Council.
17. The Council contributed to the review throughout the year, providing oversight of the process and giving feedback to officials on a number of reports and working papers. Individual members also contributed by engaging in one-to-one interviews to inform the review process.
18. An important recommendation from the review was that the Department develop an Action Agenda to bridge the gap between the Strategy and implementation activities. The Council will aid the development of the Action Agenda during the first half of 2010 and has endorsed a number of areas for further detailed work, including:
- sector-based approaches (including funding)
 - focus on high-risk sectors
 - alignment between the Department's and ACC's policies and interventions.

Review of the Council

19. As the Council has a leadership role in the implementation of the Strategy, it was considered appropriate for the governance, accountabilities and delivery of the Council to be reviewed as part of the broader Strategy review.
20. The review found that there was general support for the Council to continue and develop in its role, recognising that it is still at an early stage of development. For the Council to undertake its role effectively in the future, adjustments to the ToR were also recommended (as noted in paragraph 12).
21. Council members agreed that the Council is working well and its composition as a tripartite peak body remains appropriate. They agreed that Ministers should remain as full participant members of the Council.

Management of hazardous substances

22. At the first meeting for the year, the Council was briefed by government agencies about their respective roles and responsibilities in the management of hazardous substances. Concerns were raised by the Ministry for the Environment (MfE) about low levels of compliance with hazardous substances and new organisms (HSNO) legislation. The Department also raised concerns about its budget constraints for HSNO resourcing. The Council agreed on the importance of maintaining funding and recommended that, as a minimum, government funding should be maintained at current levels. The Council agreed to consider HSNO issues as an ongoing item of business.

23. At subsequent meetings, the Council raised a number of queries and comments for agencies to consider and respond to. The Council suggested that a base plan for compliance, codes of practices and standardised guidelines should be developed, and discussed how voluntary compliance could be increased. Members noted that the design of the legislation is a problem and could be reviewed and that relationships between agencies are sometimes problematic. The Council stressed the importance of promoting a 'safety culture', suggesting that this would be a useful concept for the Department to drive a link between low compliance and lack of understanding of legislation was identified and the message that there is a HSNO funding problem was reinforced..
24. Council members made a range of suggestions to improve the HSNO regime, including:
- improving certification
 - strengthening industry bodies
 - clarifying enforcement and prosecution roles
 - improving inspector training
 - linking compliance to insurance premiums.
25. The Council received briefings from the HSNO Interagency Strategy Group and from the New Zealand Chemical Industry Council. The Council emphasised the importance of adequate resourcing for the Department and the importance of industry engagement. The Council agreed that there is a need to strengthen collaboration between government agencies and sector organisations and that further discussion is needed to establish the most appropriate role for the Council to play.

Health and safety representative training

26. The Council noted that there will be a significant cut made to ACC's funding for health and safety representative training programmes. The Council expressed concern about the implications of this decision and agreed that training should not be compromised due to inadequate resourcing by government.
27. At the Council's request, the Department presented a report outlining the current status of health and safety representative training and options for future funding. Four possible options were provided:
- Option 1: Do nothing – entrench the current ACC and ERE funding arrangements.
 - Option 2: Reconfigure the ACC funding as a subsidy for training (and restore the original purposes of the ERE Fund).
 - Option 3: Explore other training delivery mechanisms.
 - Option 4: End all government funding for health and safety representative training.
28. The Council supported exploring the options further. It was agreed that the Department and ACC would undertake further work on these options and

report back to the Council in 2010 to inform the advice they will provide to the Minister.

Funding for industry training capability programmes

29. The Council considered the funding arrangements for industry training capability programmes, particularly Maritime New Zealand's (MNZ) fishSAFE programme. The Council noted that ACC has withdrawn funding for the programme and questioned how MNZ would manage health and safety risks in the fishing sector. The Council felt there needed to be a lead from the government about how to proceed without this funding.
30. MNZ, along with the chair of fishSAFE and the Federation of Commercial Fishermen, were invited to discuss how they intend to manage risks and maintain their health and safety programmes in light of the withdrawal of ACC funding. MNZ reported that fishSAFE is largely funded by the industry itself, but they are developing a business case to request ongoing government funding to supplement this.
31. The Council requested that ACC provide them with information about how much they invest in workplace health and safety programmes.

Business Leaders' Health and Safety Forum

32. The Business Leaders' Health and Safety Forum was established during 2009 as a means of enhancing industry leadership and engagement on workplace health and safety. It is designed to encourage and enable managers of leading New Zealand firms to demonstrate a practical commitment and to become involved in health and safety beyond a purely functional element of business.
33. The Forum meetings were attended by the Minister of Labour, the CEO of ACC and the Secretary of Labour, who provided feedback to Council members on the outcome of the meetings. The Council expressed its support for the Forum and will be examining ways to build closer relationships between the Council and the Forum during 2010.

Agency business plans and work programmes

34. The Council requested that the Department and ACC report on their respective business plans and policy work programmes as a standing agenda item. The Department and ACC presented their business plans for the 2009/10 year at the November Council meeting.
35. The Council discussed how its role fits in with the plans and how it can best provide input and assistance. The Council noted that the work programmes are disconnected and recommended that the agencies coordinate their planning more and make the linkages between them more apparent.

ACKNOWLEDGEMENTS

36. The Council would like to acknowledge and thank the Department of Labour officials for their secretariat services and advice and express its appreciation to the following people who gave presentations at Council meetings over the course of the year:

- Neil Cooper, Ministry for the Environment
- Rob Furlong, Environmental Risk Management Authority
- Conal Smith, Statistics New Zealand
- Phil Wright, Accident Compensation Corporation
- Ray Campbell, Accident Compensation Corporation
- Sharyn Forsythe, Maritime New Zealand
- Catherine Taylor, Maritime New Zealand
- Peter Dawson, Executive Director, Federation of Commercial Fishermen
- Neil Pearce, Chair, National Occupational Health and Safety Advisory Committee
- Barry Dyer, Chief Executive, New Zealand Chemical Industry Council.

LOOKING FORWARD

37. In 2010, the Council intends to focus on:

- developing an Action Agenda for the Strategy and subsequent Sector Action Plans
- investigating options for the future funding of health and safety representative training
- contributing to the development of agencies' business plans and work programmes
- monitoring ongoing issues surrounding the management of hazardous substances
- building closer links with the Business Leaders' Health and Safety Forum
- monitoring workplace injury and fatality statistics and significant investigations to apply learnings to future policy and practice.