



## **Taskforce Recommends Changes to Health and Safety**

*Commentary by Tony McKone, Director McKone Consultancy Ltd - 5 August 2013*

The recent Taskforce on Health and Safety in New Zealand has provided a comprehensive report to Government making strong recommendations to change the way New Zealand should be approaching health and safety in the workplace.

The report makes note of NZ's poor safety record in the workplace, in particular our manufacturing, construction, agriculture, forestry and fisheries industries. These industries, state the report, account for more than half of NZ's workplace injury claims. However the recommendations of the Taskforce are not meant solely for the benefit of these industry groups. Office based sedentary work also presents health and safety risks such as occupational overuse syndrome.

The report is a wakeup call for the country. The report finds that as a country we are not collecting reliable data on occupational illnesses and diseases.

The Taskforce identifies twelve weaknesses in NZ's current health and safety system:

1. Confusing regulations
2. A weak regulator
3. Poor worker engagement
4. Inadequate leadership
5. Capacity and capability shortcomings
6. Inadequate incentives
7. Poor data and measurement
8. Risk tolerant culture
9. Hidden occupational health
10. Major hazard facilities
11. Particular challenges for SMEs
12. Particular "at-risk" populations

To address these areas, the Taskforce makes strong recommendations for a new Health and Safety Regulatory body. The Taskforce state that such a body will need to be well resourced and have a clear mandate to bring about change to the way health and safety is implemented and monitored.

The Taskforce also calls for an overhaul of NZ's current health and safety law. In coming to its conclusions the Taskforce has looked at Australia's Model Law (the Australian H&S legislation). In its report the Taskforce calls for similar legislation that should be clearer about the duties of those who are in the best position to control workplace health and safety. This includes ensuring that these people have an explicit obligation to prevent workplace harm and assign appropriate duties to appropriate duty holders to ensure their actions are directed at preventing the most workplace harm. This recommendation, if adopted by Government, will have significant impacts on all employers and managers. It will also extend to governance with specific obligations and expectations of Boards and their directors.

The Taskforce affirms the participation of workers in health and safety. In some areas worker participation is working well, however there is still room for improvement and a shift in mind-set whereby there is an expectation that everyone in the workplace is responsible for workplace health and safety.

In my view, the current Health and Safety in Employment Act 1992 already implies this sentiment. However managers are often quick to "abdicate" or at least inappropriately delegate all their responsibility to an H&S advisor, or the H&S representative. This is not what the current Act expects. The Taskforce therefore recognises the need for good leadership and requirement for managers / employers/ directors to step up and be more actively involved in workplace health and safety.

The Taskforce has recommended extending the existing manslaughter offence to corporations. This raises the stakes for companies and their management and governance bodies. In their recommendations the Taskforce calls for maximum penalties to be raised to be comparable with the Australian legislation. This would mean individual penalties increasing to up to \$600,000 or five years' imprisonment or both and penalties for a body corporate of up to \$3million.

The Taskforce report is reading that all employers, managers and board members should be familiarising themselves with now in order to understand what changes may be coming their way.