# Submission Form: Have Your Say on Work Health and Safety

## The Ministry of Business, Innovation and Employment (MBIE) wants to hear about your experiences with New Zealand’s work health and safety regulatory system.

#### How to make a submission

Fill out your answers to the questions and delete these first two pages of instructions. The questions in this form are not compulsory; you can answer as many questions as you want. Where possible, please provide us with evidence to support your views. Examples can include facts and figures or references to independent research. If you have other views or thoughts that are not covered by the questions, you can write these under question 25.

If you have completed this form, you can send it by:

* email to [HSWHaveYourSay@MBIE.govt.nz](mailto:HSWHaveYourSay@MBIE.govt.nz)
* post to:

Health and Safety Policy

Ministry of Business, Innovation and Employment

PO Box 1473

Wellington 6140

Alternatively, you can complete the [online submission form](https://www.research.net/r/ZTSVBBL).

Please send any questions on the submissions process to [HSWHaveYourSay@mbie.govt.nz](mailto:HSWHaveYourSay@mbie.govt.nz).

The deadline for submissions is 31 October 2024 at 5pm.

#### What we will do with your submission

MBIE will review and consider all feedback, which will inform advice to Ministers on any improvements that could be made to the work health and safety regulatory system.

MBIE will not publish individual submissions but will publish a summary of submissions on its website. The summary of submissions will not include names of submitters but may list the names of organisations that have submitted. If you do not wish for your organisation’s name to be published, please indicate this by checking the box on page three and in your covering email or letter.

#### Official Information Act 1982

Submissions may be released in full or in part if requested under the *Official Information Act 1982*. If your submission contains confidential information, please clearly indicate in the e-mail or cover letter accompanying your submission if you have any objection to the release of any information in the submission, and which parts you consider should be withheld together with the reasons under the *Official Information Act*. MBIE will take such objections into account and will consult with submitters as it considers necessary when responding to requests under the *Official Information Act*.

Please also indicate on the front of your submission that it contains confidential information (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).

#### Privacy Act 2020

The *Privacy Act 2020* applies to your submission. Refer to page five of the consultation document.

# Submission on consultation document: *Have Your Say on Work Health and Safety*

**Your name, email address, phone number and organisation**

|  |  |
| --- | --- |
| **Name** |  |
| **Email address** |  |
| **Phone number** |  |
| **Organisation** |  |

|  |  |
| --- | --- |
|  | * The *Privacy Act 2020* applies to submissions. Please tick the box if you do **not** wish for the name of your organisation to be included in any information about submissions that MBIE may publish (MBIE will **not** publish names of submitters). |
|  | * MBIE will upload a summary of submissions to its website, [**www.mbie.govt.nz**](http://www.mbie.govt.nz). If you do **not** want a summary of your submission to be included on MBIE’s website, please check the box and type an explanation below: |
| * I do not want my submission included in a summary of submissions on MBIE’s website because… [insert reasoning here] | |

|  |  |
| --- | --- |
|  | * I consent to my contact details being saved for future MBIE consultations on work health and safety. |

**Please check if your submission contains confidential information**

|  |  |  |
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|  | * I would like my submission (or identifiable parts of my submission) to be kept confidential and **have stated** my reasons under the *Official Information Act 1982* for consideration by MBIE. | |
| [Insert reasons based on the *Official Information Act* here] | |

**Responses to consultation document questions**

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| 1. What is your name? |
|  |
| 1. Are you submitting on behalf of an organisation, as a worker, as an employer, or in another capacity (please specify)? |
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| 1. If you are submitting on behalf of an organisation, what is the name of that organisation? |
|  |
| 1. Please provide us with at least one method of contacting you, in case we need to discuss your submission further. |
|  |
| 1. What sector or industry does your submission most closely relate to? |
| Accommodation and Food  Administration and Support  Agriculture, Forestry and Fishing  Arts and Recreation  Construction  Education and Training  Electricity, Gas, Water and Waste Services  Financial and Insurance Services  Health Care and Social Assistance  Information Media and Telecommunications  Manufacturing  Mining  Professional, Scientific and Technical Services  Public Administration and Safety  Rental, Hiring and Real Estate Services  Retail Trade  Transport, Postal and Warehousing  Wholesale trade  Other (please specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Do you consider your sector/industry to be high-risk, medium-risk, or low-risk? |
|  |
| 1. Where in New Zealand is your work located? |
|  |
| 1. How many employees does your business or organisation have? |
| No employees  1 – 5  6 – 9  10 – 19  20 – 49  50 – 99  100 or more  Unsure |

## **Focus area one: businesses are best placed to understand and manage their risks**

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| 1. Thinking about just the key actions your business or organisation takes to manage health and safety risks: |
| 1. what are these actions? |
|  |
| 1. why does it take these actions? |
|  |
| 1. do you think these actions are reasonable? (Please explain your answer.) |
|  |
| 1. do you think these actions are effective in managing health and safety risks? (Please explain your answer.) |
|  |
| 1. How well does your business or organisation understand its work health and safety obligations? |
| very well  quite well  not that well  not at all well |
| 1. If you answered, “not that well” or “not at all well”, what do you think would help you to understand? |
|  |
| 1. Thinking about just the key actions the business or organisation takes: |
| 1. about how much would it cost per year to comply with your health and safety obligations? (If you are unable to estimate an annual cost, can you give some examples of spending to meet your obligations?) |
|  |
| 1. how much time does your business or organisation spend on health and safety? |
|  |
| 1. for workers, how much time do you spend on health and safety? |
|  |
| 1. Where your business has overlapping duties with other businesses, what has been your experience in working together to manage health and safety risks? Think about clarity of roles, how you share duties, what processes you put in place. |

## **Focus area two: the law is designed to balance flexibility and certainty**

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| 1. The HSW Act aims to balance flexibility and certainty. Thinking about the parts of the work health and safety law you frequently engage with, can you provide examples of: |
| 1. requirements that are too detailed, strict, or inflexible to allow you to easily comply? |
|  |
| 1. where there is not enough detail or too much ambiguity in law or regulations to help you comply? |
|  |
| 1. requirements that are causing you problems? |
|  |
| 1. requirements that are working well? |
|  |
| 1. What sources of information or advice do you use to help you understand your responsibilities under the law and how to comply? Select all that apply: |
| law or regulations  guidance  approved codes of practice (ACOPs)  health and safety advisors or consultants  the regulator (eg WorkSafe)  third parties authorised by WorkSafe or the regulations (eg compliance certifiers or auditors)  industry associations  social media  word of mouth  none  other (please specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. For each of the sources of information or advice identified above that you use, please select all that apply: |
| Source one: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  the information or advice provides clarity about roles and responsibilities for health and safety in my workplace  the information or advice provides clarity on the actions necessary to keep people healthy and safe in my workplace  the information or advice is relevant to my work  the information or advice is consistent across sources  the information or advice is easy to find  the information or advice is easy to understand   the information or advice is easy to apply  Source two: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  the information or advice provides clarity about roles and responsibilities for health and safety in my workplace  the information or advice provides clarity on the actions necessary to keep people healthy and safe in my workplace  the information or advice is relevant to my work  the information or advice is consistent across sources  the information or advice is easy to find  the information or advice is easy to understand   the information or advice is easy to apply  Source three: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  the information or advice provides clarity about roles and responsibilities for health and safety in my workplace  the information or advice provides clarity on the actions necessary to keep people healthy and safe in my workplace  the information or advice is relevant to my work  the information or advice is consistent across sources  the information or advice is easy to find  the information or advice is easy to understand   the information or advice is easy to apply  Source four: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  the information or advice provides clarity about roles and responsibilities for health and safety in my workplace  the information or advice provides clarity on the actions necessary to keep people healthy and safe in my workplace  the information or advice is relevant to my work  the information or advice is consistent across sources  the information or advice is easy to find  the information or advice is easy to understand   the information or advice is easy to apply  (Please add sources as necessary.) |
| 1. Feel free to provide any further feedback about the sources of information or advice you use. |
|  |
| 1. Are you able to provide any examples of where you have difficulty complying with your legal requirements because of the overlap between work health and safety legislation and other requirements? Please specify the relevant regulatory systems (eg the building regulatory system) if you can. |
|  |

## **Focus area three: worker engagement and participation**

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| 1. Do you know whether your business or organisation has: |
| * elected health and safety representatives  Yes  No  Don’t know * informal health and safety representatives or champions  Yes  No  Don’t know * a health and safety committee  Yes  No  Don’t know * a system for regular health and safety communications  Yes  No  Don’t know * regular meetings where health and safety is discussed  Yes  No  Don’t know * regular health and safety briefings, eg ‘toolbox’ meetings  Yes  No  Don’t know * other worker engagement and participation practices (please specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. From your experience, either for a business or as a worker, how effective do you think the worker engagement activities that your business or organisation uses are? |
| very effective  quite effective  not that effective  not at all effective |
| Please explain your answer, including providing any examples if you have them. |
|  |
| 1. From your experience, either as a business or as a worker, do you think workers are doing enough to keep themselves and their colleagues safe? |
|  |

## **Focus area four: an effective work health and safety system needs effective regulators**

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| 1. In what ways have you interacted with WorkSafe or another health and safety regulator? |
| * Education and training materials:  Yes  No * Online and published information and resources:  Yes  No * Workplace visits (eg inspections and follow up activity):  Yes  No * Public campaigns (eg social media, appearance at events):  Yes  No * Queries to the regulator:  Yes  No * Applications for licences, certificates, or exemptions:  Yes  No * Registering equipment:  Yes  No * Notifications (eg of incidents or high-risk activities):  Yes  No * Interaction with regulatory tools (eg safe work instruments online):  Yes  No |
| 1. Thinking of each interaction you selected in question 20, did you get what you needed to comply with your health and safety obligations? |
| Education and training materials:  yes, completely  yes, partially  no  Online and published information and resources:  yes, completely  yes, partially  no  Workplace visits (eg inspections and follow up activity):  yes, completely  yes, partially  no  Public campaigns (eg social media, appearance at events):  yes, completely  yes, partially  no  Queries to the regulator:  yes, completely  yes, partially  no  Applications for licences, certificates, or exemptions:  yes, completely  yes, partially  no  Registering equipment:  yes, completely  yes, partially  no  Notifications (eg of incidents or high-risk activities):  yes, completely  yes, partially  no  Interaction with regulatory tools (eg safe work instruments online):  yes, completely  yes, partially  no |
| Feel free to provide further information. |
|  |
| 1. Would you describe your interactions with the regulator as useful, reasonable, and timely? Feel free to provide further information. |
|  |
| 1. Which third parties authorised by the regulator or regulations have you interacted with? Select all that apply: |
| Licensing bodies (eg for scaffolders or mining)  Auditors (eg of health and safety systems or processes)  Compliance certifiers, assessors, or inspection personnel (eg for hazardous substances, pressure equipment)  Other (please specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Thinking of your most recent interaction, did you get what you needed to comply with your health and safety obligations? |
| yes, completely  yes, partially  no |
| Feel free to provide further information. |
|  |
| 1. Would you describe your interactions with the third parties as useful, reasonable, and timely? Feel free to provide further information. |
|  |
| 1. Do you know what consequences you would face for not complying with your health and safety obligations? Do you think these consequences are appropriately balanced and reasonable? Please explain your answer. |
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## **Focus area five: the objective of the work health and safety regulatory system**

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| 1. Do you think the threshold at which work-related risks need to be managed is: |
| over-cautious?  about right?  under-cautious? |
| You can provide further information, including examples. |
|  |
| 1. Do you think the work health and safety regulatory system is |
| clear?  Definitely yes  Probably yes  Probably no  Definitely no  effective?  Definitely yes  Probably yes  Probably no  Definitely no  flexible and durable?  Definitely yes  Probably yes  Probably no  Definitely no  proportionate to the risks?  Definitely yes  Probably yes  Probably no  Definitely no  balancing risks with costs?  Definitely yes  Probably yes  Probably no  Definitely no |

## **Is there any other feedback you would like to give us?**

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| 1. Is there anything else you want to say about your experience with the work health and safety system? |
|  |

# Thank you

Thanks for your feedback, we appreciate your time and effort taken to respond to this consultation. MBIE will review and consider all feedback, which will inform advice to Ministers on any improvements that could be made to the work health and safety regulatory system.