

# **HASANZ**

HEALTH & SAFETY ASSOCIATION NZ

## **SUBMISSION ON THE WORK HEALTH AND SAFETY REGULATORY SYSTEM**

**Submitted to the Ministry of Business,  
Innovation and Employment**

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# Feedback on the Work Health and Safety Regulatory System in Aotearoa

## Executive summary

This submission by the Health and Safety Association (HASANZ) responds to the government's request for submissions on the work health and safety regulatory system in Aotearoa.

The main recommendations, which hold the potential to significantly improve the work health and safety regulatory system, include the need for recognition of health and safety professions, building capability and capacity within the work health and safety sector, better system leadership and coordination, maintaining the Health and Safety at Work Act 2015, better regulations and guidance, and adequate funding for the system.

HASANZ believes that certain fundamental principles must be followed to achieve positive change following this consultation. Guiding principles for positive change include ensuring that:

- the most important focus of change remains what will save people from being harmed at work,
- all changes to the system, regulator or legislations are based on sound evidence,
- health and safety professionals should be involved in the following steps, including reviewing any legislative changes.

HASANZ emphasizes the importance of a collaborative and well-funded approach to enhancing the work health and safety regulatory system in Aotearoa. By adhering to the principles and recommendations in this submission, HASANZ believes that significant positive changes can be made, and lives saved.

## The structure of this submission

After discussing HASANZ's response with officials, it has been acknowledged that the consultation form is not well suited for organizations such as the Health and Safety Association (HASANZ) and its member associations. For this reason, HASANZ has opted to participate in consultation in a way that will get the best input from our organization, member associations, and their members.

HASANZ has taken a proactive role in supporting the government to hear from our member associations and professions. To this end, HASANZ has organized a meeting via MBIE for Minister van Velden to hear directly from professionals and organised a meeting with MBIE so that officials can hear from all health and safety disciplines. HASANZ is encouraging others to take part in the consultation as it is important the views of professionals and professional associations are included.

This document aims to offer comprehensive feedback through a structured approach and includes:

- Principles to ensure that changes are positive

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- Introduction to HASANZ
  - High-level overview of the current situation
  - Key issues and challenges from our perspective
  - Recommendations on how to address these issues and challenges

## Fundamental principles for positive change to the work health and safety system in Aotearoa

### The most important driving factor is preventing harm of workers

New Zealand workers are facing high levels of harm in the workplace compared to many other developed countries. According to the most recent statistics from WorkSafe New Zealand, in 2023 alone, there were 63 workplace fatalities, highlighting the risks that many workers face daily. Additionally, over 30,000 severe injuries were reported, emphasizing the chronic issue of workplace safety in the country. Furthermore, we lose an estimated 750-900 workers each year through work-related ill health and disease. These figures indicate a significant burden on the health system and underscore the urgent need for enhanced regulatory measures.

When compared internationally, New Zealand's workplace fatality rate stands out in a concerning way. The country's fatal injury rate is approximately 3.5 per 100,000 workers, which is notably higher than the OECD average of 2.1 per 100,000 workers. Countries like the United Kingdom and Germany have achieved much lower rates, with 0.5 and 0.9 fatalities per 100,000 workers, respectively. These international benchmarks demonstrate that lower injury and fatality rates are achievable with effective regulations and robust safety cultures.

In addition to acute injuries and fatalities, work-related health issues represent a significant concern in New Zealand. It is estimated by WorkSafe NZ that in addition to the 750-900 work-related health deaths each year, approximately 5,000-6,000 hospitalizations annually can be attributed to work-related ill-health. Alarming, a worker in New Zealand is 15 times more likely to die from a work-related disease than from an accident in the workplace. These staggering figures highlight the urgent need for health and safety reforms that address both immediate and long-term health risks associated with various occupations.

The sectors with the highest rates of harm in New Zealand include agriculture, forestry, manufacturing and construction. For instance, the agricultural sector alone accounted for nearly 20% of all workplace fatalities in the past year, despite employing only about 6% of the workforce. This disproportionate impact on specific industries indicates systemic issues that need targeted interventions. However, by examining successful strategies from countries with lower harm rates, New Zealand can adopt and adapt best practices to significantly reduce workplace injuries and fatalities, offering a hopeful path towards a safer environment for all workers.

To address New Zealand's alarming workplace safety records, the primary focus of our reforms must be on ensuring worker safety.

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## **All changes must be evidence based**

All proposed health and safety regulations and system changes must be based on strong evidence. This involves initially confirming the validity of issues raised during this consultation, as well as conducting comprehensive research and analysis to identify best practices and proven strategies to address the identified issues. By leveraging the expertise of appropriately qualified and experienced professionals, we can ensure that the changes will effectively address the shortcomings in the system and improve its effectiveness ultimately keeping people safe.

## **Health and safety experts and professionals will be given the opportunity to at the very least consult on proposed changes throughout the process**

It is crucial to involve individuals with the right expertise and experience in designing and implementing health and safety regulations and system changes. These professionals bring practical knowledge and real-world experience, which is essential for developing regulations that are not only theoretically sound but also feasible and effective in practice. Their insights can help identify potential challenges that may only be apparent to those with hands-on experience in the field. Additionally, their involvement ensures that the proposed solutions are aligned with the latest industry standards and best practices, thereby enhancing the overall efficacy and sustainability of the regulatory framework. By leveraging their expertise, we can create a robust and a adaptable health and safety system that can address current and future challenges.

## **About HASANZ**

The Health and Safety Association of New Zealand (HASANZ) plays a crucial role in New Zealand's workplace health and safety system. It was established in 2014 to unite a wide range of health and safety disciplines in New Zealand with the aim of improving the quality and consistency of health and safety advice given to businesses and workers.

HASANZ's main function is to promote collaboration among its various disciplines, which work together to:

- Promote all health and safety disciplines and support the needed increase in capacity and capability.
- Influence and guide workplace health and safety. Including the legal, legislative and regulatory processes and systems.
- Connect business to health and safety disciplines and professionals.
- Raise awareness and respect for the health and safety disciplines.

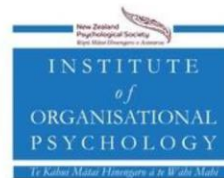
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As an umbrella organisation, HASANZ connects member associations representing the following health and safety disciplines. The total estimated membership of our associations combined is over 35,000 individuals.

- **Engineering New Zealand Te Ao Rangahau (ENZ)** represents over 22,000 members in all engineering fields, including professionals and students, has 17 branches nationwide and one in the UK. It also manages the Chartered Professional Engineer (CPEng) registration and houses 34 technical groups, most of which have safety-critical functions.
- The **Faculty of Asbestos Management of Australia & New Zealand (FAMANZ)** represents professionals working in the asbestos industry across Australia and New Zealand. The faculty aims to foster collaboration among industry professionals to achieve better health outcomes for both workers and the general public.
- **Hazardous Substances Professionals New Zealand (HSPNZ)** is an association of Compliance Certifiers who work alongside organizations to provide qualified advice, training, and certification on the safe importation, manufacture, transportation, storage, use, and disposal of hazardous substances in New Zealand.
- The **Human Factors and Ergonomics Society of New Zealand (HFESNZ)** comprises human-centered design professionals who help businesses achieve an optimal fit between human tasks, tools, and environments. Their goal is to minimize harm and improve productivity by making processes and products compatible with human abilities and limitations.
- The **Institute of Organizational Psychologists (IOP)** consists of organizational psychologists who are experts in human behavior in the workplace. They apply their extensive knowledge of the brain, performance, learning, and group behavior to improve organizational outcomes.
- The **New Zealand Institute of Safety Management (NZISM)** is the largest membership body for Health and Safety Practitioners and Professionals in New Zealand. They offer a wide range of technical and practical advice to their members to help them develop, design, and implement effective workplace health and safety management systems.
- The **New Zealand Occupational Health Nurses Association (NZOHNA)** guides the Occupational Health Nurses (OHNs) governed by the Nursing Council of New Zealand. They provide comprehensive health services focusing on the prevention of work- and non-work-related injury, illness, and disease, promoting health and wellbeing among workers.
- The **New Zealand Occupational Hygiene Society (NZOHS)** focuses on the anticipation, recognition, evaluation, control, and communication of health hazards in the workplace. Their objective is to protect worker health and well-being by preventing both long-term and short-term occupational illnesses.
- The **New Zealand Safety Council (NZSC)** offers advice and information on general health and safety matters through a network of Registered Safety Professionals. They conduct workplace audits to identify risks and connect businesses with experts to address these issues effectively.
- **Occupational Therapy New Zealand - Whakaora Ngangahau Aotearoa (OTNZ-WNA)** uses its expertise in health, universal design, task analysis, and human behavior to create healthy

workplaces that meet WorkSafe New Zealand standards. They also assist with the safe return to work of individuals after injury, illness, or disability.

- **Physiotherapy New Zealand (PNZ)** includes Occupational Health Physiotherapists who use their knowledge of human movement and task analysis to optimize worker health, maximize function, and enhance well-being. They provide assessments and guidance for injury prevention and rehabilitation, working collaboratively with employers.
- **Australasian Faculty of Occupational and Environmental Medicine (AFOEM)** doctors specialize in the field of occupational and environmental medicine. They focus on preventing and assessing illnesses related to workplace exposures, including physical and psychosocial hazards, and treat and rehabilitate workers to facilitate their return to work.



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# Current Regulatory System Overview

Aotearoa's work health and safety regulatory system is built around a legislative framework aimed at safeguarding workers and ensuring safe working conditions across different industries. The primary legislation governing work health and safety is the Health and Safety at Work Act 2015 (HSWA), which delineates the duties and responsibilities of employers, employees, and other stakeholders in upholding a safe working environment. This Act serves as the foundation of the regulatory system, establishing legal obligations and providing the basis for enforcing health and safety standards.

## Key Legislation

The Health and Safety at Work Act 2015 (HSWA) is the main law that governs workplace health and safety in Aotearoa. It requires employers to ensure, as far as is reasonably practicable, the health and safety of workers while they are at work. HSWA covers the provision of safe work systems, safe use of equipment, and the management of workplace risks.

The most significant improvement needed to the Act is the need to strengthen and clarify the requirements for seeking competent advice.

However, the effectiveness of the Health and Safety at Work Act 2015 (HSWA) is often compromised by outdated regulations and other tools that do not keep up with changing workplace dangers. Inadequate regulations and guidance create significant gaps in the overall health and safety system, leaving workers vulnerable to modern hazards that current regulations are not equipped to handle. Two key examples are:

1. Regulations for plant and structures are outdated and have many gaps. They need to be modernized to ensure clarity, effectiveness, proportionality, and durability. Updating the regulations will help businesses better manage workplace risks, leading to a reduction in work-related harm and fatalities. On average, 54 people died at work each year in New Zealand from injuries involving plant (such as workplace machinery, vehicles, and equipment) and structures (such as scaffolding and excavations) between 2010 and 2020.
2. The current regulations for hazardous substances are outdated and do not include comprehensive measures to address the changing nature of industrial chemicals and materials. The gaps in oversight of hazardous substances expose workers to potentially severe health risks and environmental harm. The lack of stringent regulatory updates and clear guidelines for handling, storing, and disposing of hazardous substances undermines efforts to create safe work environments. Furthermore, the regulations do not reference the Globally Harmonized System (GHS) which has been adopted by the Environmental Protection Agency (EPA). This misalignment between the regulation and the EPA causes confusion within the industry. This inadequacy jeopardizes worker safety and poses broader public health and ecological threats, necessitating urgent reform to align with contemporary safety standards and practices.



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## Regulatory Bodies

WorkSafe New Zealand is the primary regulatory body responsible for enforcing work health and safety legislation in Aotearoa. With its current resourcing, WorkSafe struggles to meet its key responsibilities to the expected level. The responsibilities include:

- **Inspection and Enforcement:** Conducting workplace inspections, investigating incidents, and enforcing compliance with health and safety laws
- **Guidance and Support:** Providing guidance, tools, and resources to help businesses understand and meet their health and safety obligations.
- **Education and Training:** Promoting health and safety education and training initiatives to enhance the skills and knowledge of workers and employers.

The regulatory system becomes more complex due to the involvement of various regulators and government agencies responsible for enforcing health and safety regulations in specific industries. The different approaches to providing guidance and enforcing these regulations create challenges for individuals and businesses operating in multiple areas. Some of the key issues include:

- Maritime New Zealand for ships, ship to shore operations and landside of port operations at New Zealand's 13 major ports.
- Civil Aviation Authority for work preparing aircraft for imminent flight and aircraft in operation.

## System actors

In addition to the main regulatory bodies, there are several other important organizations involved in promoting health and safety in New Zealand. The Health and Safety Association of New Zealand (HASANZ) and its member associations are crucial in establishing professional standards and advocating for excellence in health and safety. The Business Leaders Health and Safety Forum and the GM Safety Forum bring together senior executives to promote safety at the highest levels within organizations, fostering a proactive risk management culture. Unions and industry sector groups, such as the Construction Health and Safety New Zealand (CHASNZ), provide vital support by representing workers' interests, advocating for safer working conditions, and facilitating sector-specific safety initiatives. These combined efforts ensure a comprehensive approach to workplace safety, utilizing expertise, leadership, and advocacy to strengthen the overall regulatory framework.

Employers have the primary responsibility to ensure the safety of their workers by identifying and managing risks, providing necessary training, and maintaining safe equipment and practices. Equally important, workers are required to follow health and safety protocols, report hazards, and actively participate in safety training. This shared responsibility emphasizes the importance of collaboration in maintaining a safe work environment.

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# Key Issues, Challenges and Recommendations

It is crucial to identify and address issues and challenges within New Zealand's work health and safety system. HASANZ expects sector and industry leaders, as well as our HASANZ Member Associations, to bring forward many more specific issues. The issues identified below are the high-level ones that have specifically impacted HASANZ or have been raised with HASANZ as harming the system and the impact of health and safety professionals.

## 1. Insufficient recognition of the health and safety professions

Health and safety professionals play a crucial role in the success of the regulatory framework, yet their contributions are often undervalued. The lack of formal recognition and appreciation for these professionals undermines their role in maintaining and improving workplace safety.

### 1a. Cowboy health and safety

The rise of "cowboy" health and safety professionals, from generalist and specialist disciplines,—those who lack proper qualifications and expertise—poses a significant threat to workplace safety. These individuals often provide substandard advice, resulting in inadequate risk assessments, poor safety practices, and non-compliance with regulations. Their involvement can lead to increased accidents, injuries, and even fatalities. The efforts of competent and qualified professionals to raise the profile of their profession as providing valuable services to businesses are undermined by the poor services of those who freely use their title without meeting what HASANZ and our association require of individuals to be professionals.

### 1b. Underutilized disciplines

The underutilization of specific health and safety disciplines, such as occupational hygienists, has a profound impact on workplace safety and health outcomes. Occupational hygienists play a critical role in identifying, assessing, and controlling environmental hazards that could affect workers' health over time. Failure to fully utilize the expertise of these professionals in the workplace may lead to a lack of recognition and mitigation of risks associated with exposure to harmful substances, noise, and other occupational health hazards.

### 1c. Employers unaware of the qualifications and experience health and safety professionals need

Employers are often not aware or convinced of the importance of hiring competent and qualified professionals. They should be required to verify the credentials and track records of health and safety advisors before engaging their services. They are not provided the resources and guidance on selecting competent advisors by WorkSafe or other government agencies so are not empowered to make informed decisions that prioritize hiring the appropriate people and providing quality professional development to existing staff.

### 1d. Lack of awareness of the HASANZ Register and how to access quality health and safety professionals

Employers are often unaware or convinced of the importance of hiring competent and qualified professionals. They should be required to verify health and safety professionals' credentials and experience before engaging their services. WorkSafe or other government agencies do not always

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refer businesses to HASANZ, where businesses can access the HASANZ Register and guidance on selecting competent advisors. As a result, businesses are not empowered to make informed decisions that prioritize hiring the appropriate people and providing quality professional development to existing staff.

## **Recommendation: Recognition of Health and Safety Professionals**

Competent and qualified health and safety professionals are essential for maintaining workplace safety and must be formally recognized and valued for their expertise and dedication.

How this is achieved can take several different forms. The strongest approach is to introduce a protected title or titles for health and safety professionals.

In New Zealand, a protected title refers to a professional designation that is legally restricted to individuals who meet specific qualifications and standards set by a governing body. Only those who have been certified or licensed by the relevant authority can use the title, ensuring that professionals possess the necessary skills and knowledge to perform their duties effectively.

The significance of a protected title lies in its ability to maintain high professional standards and safeguard public trust. By regulating who can claim a particular title, it ensures that individuals receive services from qualified professionals, enhancing the quality and reliability of those services. This legal protection helps prevent unqualified individuals from misrepresenting themselves, reducing the risk of harm and increasing public confidence in the profession.

Moreover, a protected title promotes accountability and continuous professional development. Health and Safety Professionals, similar to other industries, who belong to a member associations must often adhere to a code of ethics and engage in ongoing education to retain their status, fostering a culture of excellence and continuous improvement. This, in turn, contributes to the overall integrity and effectiveness of the health and safety system, ensuring that it evolves to meet emerging challenges and standards.

Examples of protected titles include Architect, electrician, lawyer, pharmacist, and teacher.

Establishing a robust system and enabling action against incompetent advisors is necessary to drive out unqualified individuals from the market and set clear standards for what constitutes good practice. This will protect businesses and ensure that all individuals claiming to be health and safety professionals are competent and qualified.

Businesses will be shielded from the repercussions of receiving substandard advice, ultimately saving money and preventing harm to their workers.

An alternative option is to recognize and support the HASANZ Register properly. Support can include the following strategic actions:

1. Incentive Programs: Establish incentive programs for businesses that hire professionals registered with HASANZ. These programs can include ACC discounts, subsidies, or grants for training and compliance initiatives, encouraging companies to prioritize registered professionals.

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2. **Public Awareness Campaigns:** Launch extensive public awareness campaigns to emphasize the importance of HASANZ registration. Educating employers and the public about the benefits of engaging registered professionals can lead to a demand-driven approach to mandatory registration.
  3. **Strengthen and clarify the requirements for seeking competent advice:** By ensuring that businesses have clarity that they must seek competent advice, they will be forced to find competent and qualified professionals. The HASANZ Register can act as the quality assurance required to meet this legal obligation.
  4. **Integration with Existing Frameworks:** Integrate HASANZ registration requirements into existing government procurement rules and other guidance to ensure seamless implementation and adherence across various sectors.

By making registration close to mandatory, the government can significantly elevate health and safety standards, ensuring safer workplaces.

## **2. Inadequate Capability and Capacity**

There is a pressing need to improve the capability and capacity of the health and safety system. The current framework lacks sufficient investment in training programs for health and safety professionals, resources for regulatory bodies are inadequate, and there is a shortage of knowledgeable staff for enforcement and compliance activities. Addressing these gaps is crucial for taking a proactive approach to workplace safety rather than a reactive one.

The scale of the current capability and capacity gap is unknown, but there is anecdotal evidence suggesting that while some progress has been made in recent years, particularly in certain disciplines with the introduction of new education programs, there is still significant room for improvement.

The HASANZ Health and Safety Workforce Pipeline Report emphasized the urgent need for a skilled health and safety workforce in New Zealand. It identified significant deficiencies in workforce understanding, education, and strategic planning. The report proposed the establishment of clear processes to define roles and relationships within health and safety disciplines, the creation and promotion of competency frameworks, and the expansion of education and training opportunities to address these deficiencies.

The report highlighted the importance of expanding the health and safety workforce to meet future needs, recommending comprehensive supply and demand analyses, attracting new professionals, and ensuring access to relevant continuing professional development. Additionally, it outlined strategies to support career paths and enhance the skill set of professionals.

### **Recommendation: Build Capability and Capacity**

To meet the constantly changing requirements of the health and safety system, it is important to focus on developing the skills and resources necessary. This involves investing in training programs for current and future health and safety professionals, increasing resources for regulatory bodies, and ensuring that there is enough qualified staff available to manage enforcement and compliance

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activities. By establishing a strong support system, we can take a proactive rather than reactive approach to workplace safety.

1. Support member associations to reach all of their potential members
2. Encourage awareness of disciplines which are unknown to the wider public
3. Support recruitment to professions where there is not enough capacity to deliver
4. Work with tertiary and other education providers to provide quality education which will allow ongoing skill gaps to be addressed
5. Fund the development and delivery of specialist courses on discrete topics such as Stationary Containers

Offer topic specific scholarships to encourage individuals to consider career paths in specialist professions such as Occupational Hygiene, HFE professions, etc.

All of the above can be addressed by resourcing HASANZ appropriately.

### **3. Deficient System Leadership and Coordination**

The success of the regulatory system depends on effective leadership and coordination. However, the current framework lacks clear lines of communication and responsibility among regulatory bodies and other agencies, stakeholders and supportive organisations, resulting in fragmented efforts and a lack of a unified approach to addressing health and safety concerns. Strong strategic leadership is essential to drive the adoption of best practices and foster a culture of continuous improvement within the regulatory framework.

The recommendations provided by HASANZ highlight these critical issues and suggest concrete steps to address them, which are essential in enhancing the work health and safety regulatory system in Aotearoa.

The lack of health and safety professionals in leadership positions in the health and safety system is concerning. There is a strong perception that the regulator is not supported by enough highly skilled professionals with experience in the various health and safety disciplines. To mitigate the risks caused by not having qualified professionals in leadership positions, more significant engagement with HASANZ and its member associations is needed.

### **Recommendation: Better System Leadership and Coordination**

Ensuring effective leadership and coordination is crucial for the success of any system. It is important to establish clear lines of communication and responsibility among government agencies, regulatory bodies, contributing organizations, and stakeholders. This will ensure that efforts are aligned and there is a unified approach to addressing health and safety issues. Strategic leadership can drive the adoption of best practices and foster a culture of continuous improvement within the regulatory framework.

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The New Zealand government's Health and Safety at Work Strategy 2018 was developed to provide a comprehensive framework for improving workplace health and safety over the next decade. The strategy aimed to reduce the incidence of work-related harm and promote a culture where health and safety are integral to how people work. It outlined key priorities, including better worker engagement, leadership, governance, and the need for strong regulatory practices. The strategy targeted interventions to address high-risk sectors and activities, seeking to create safer and healthier workplaces across the country.

A need for a coherent strategy that addresses the same issue exists now. However, when a refreshed strategy is developed, more effort will be required to ensure that progress is monitored and reported on, and how the recommendations will be implemented, including appropriate action plans. The previous strategy lacked these fundamental elements and resulted in little progress.

The regulator also needs a strategy that meets New Zealand's needs. The recent State of a Thriving Nation 2024 Report critiqued WorkSafe for not clearly understanding its place in the health and safety ecosystem compared to regulators overseas, such as HSE. The strategy focuses on limiting what WorkSafe takes responsibility for rather than looking at what is needed to create and sustain a functioning health and safety system. The refusal to be involved in workforce development is a prime example where WorkSafe has classified something as not core but will have wide-ranging impacts as the workforce to deliver any programs, etc., may not exist with the required skills or in the necessary numbers.

The system's leadership ultimately falls to the responsible Minister. For this reason, the Minister must be able to receive varied, independent, and appropriate advice.

In recent history, ACC has funded projects, most of which are responsible for a return on investment. MBIE has developed regulations and supported consultation on the system, whereas WorkSafe has been left to coordinate the system as a whole.

#### **4. Insufficient funding for system contributors**

NGOs such as HASANZ and its member associations encounter significant challenges in contributing to the health and safety system. Insecure funding creates an environment of uncertainty, where NGOs cannot plan long-term strategies or commit to sustained initiatives. This often leads to the disruption of ongoing projects. Financial instability also affects the recruitment and retention of skilled personnel, as job security is crucial for attracting and maintaining a competent workforce.

The problem is further compounded by inefficient funding mechanisms that cause delays in the allocation of resources. This can impede the timely response to emerging health and safety issues. NGOs may find it challenging to conduct essential training or engage in comprehensive research, both of which are crucial for informed advocacy and intervention efforts.

Inadequate funding compounds these issues by limiting the overall scope and reach of NGO activities. With constrained budgets, NGOs are often forced to prioritize certain areas over others, potentially neglecting critical aspects of health and safety that require attention. This underfunding also impedes

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the ability of NGOs to collaborate effectively with other stakeholders, as they may not have the means to participate in joint initiatives or contribute meaningfully to collective efforts.

### **Recommendation: Adequate funding for the system**

It is crucial for WorkSafe to have sufficient financial resources for effective functioning. This involves increasing overall funding and ensuring efficient allocation to enhance organizational competence and achieve tangible results. Adequate funding will support the expansion of enforcement activities, the development of guidance and educational programs, and the implementation of innovative safety initiatives.

The SageBush report demonstrates the urgent need for increased funding for WorkSafe. It underlines that boosting financial resources and ensuring efficient allocation are crucial for enhancing organizational competence and achieving tangible results. The report identifies specific areas that suffer due to inadequate funding, including the insufficient number of well-trained inspectors and limited resources allocated to ensuring that imported equipment meets safety standards. Immediate action in the form of increased funding would support expanded enforcement activities, development of guidance, educational programs, and innovative safety initiatives, thereby significantly improving workplace safety in New Zealand.

Funding the broader system appropriately is essential. The regulator can only deliver workplace health and safety across New Zealand with support from a wider network of organizations and contributors. HASANZ and its member associations are crucial in providing expert advice, developing industry-specific safety protocols, and offering educational resources that empower employers and employees. Adequate funding enables them to expand their reach, enhance their training programs, and keep abreast of emerging risks and technologies. This, in turn, leads to safer workplaces, reduced incidence of work-related injuries and illnesses, and long-term financial savings for businesses. By supporting HASANZ and its member associations, we invest in a comprehensive safety infrastructure that benefits the entire workforce and contributes to a culture of safety and well-being.

## **5. Lack of clarity and inertia**

One of the most significant challenges faced in health and safety regulation is the prolonged timeframes required for developing and implementing guidance, regulations, and other policies. The lengthy process delays the introduction of crucial safety measures and fosters a perception of inefficiency and inaction among stakeholders. There is growing concern that WorkSafe, the primary regulatory body, has allocated excessive time and resources to internal restructurings and reviews at the expense of tangible progress. This perceived lack of achievement can undermine the credibility of the regulatory system and erode trust among employers and workers who rely on timely and effective guidance to ensure workplace safety.

Guidance exemplifies inertia and lack of clarity. WorkSafe has over 500 pieces of guidance, most of which are out of date. When industry attempts to be proactive and create their codes of practice, they often find it difficult, and in some cases, impossible to get official support. The process is confusing and not well-resourced. International best practice guidance is not utilized to best effect,

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and health and safety practitioners often rely on it without official support or clarity on how it should be amended to suit a New Zealand environment.

### **Recommendation: Maintain the Health and Safety at Work Act 2015**

An overhaul of the Health and Safety at Work Act 2015 is not required. The existing framework provides a solid basis for workplace safety, and targeted adjustments to the act can significantly improve its effectiveness. By focusing on tweaks to the current legislation so that it meets its potential, we can ensure stability and continuity while addressing emerging health and safety issues.

The most significant improvement to HSWA that HASANZ has identified is that the requirements for seeking competent advice need to be strengthened and made more explicit.

Requiring the seeking of positive health and safety advice will have several significant benefits. Firstly, it ensures workplaces adhere to the latest standards and regulations, thereby minimizing the risk of harm to workers. Positive advice provides specialized knowledge and expertise that can help organizations navigate legal requirements, identify potential hazards, and implement effective risk management strategies.

Moreover, this requirement fosters a proactive approach to health and safety, encouraging continuous improvement rather than mere compliance. This will lead to a safer working environment, improved employee morale, and enhanced productivity. When workers see that their employer is committed to their well-being, it builds trust and encourages a culture of safety.

Additionally, the financial benefits of seeking positive health and safety advice are substantial. By preventing accidents and illnesses, organizations can reduce costs associated with workers' being unable to work due to illness or injury.

Finally, the importance of seeking positive advice is underscored by the evolving nature of workplace hazards. With new technologies, work practices, and emerging risks, staying updated through specialized guidance is crucial. Competent advisors, well-versed in the latest industry trends, will provide tailored solutions addressing specific challenges faced by an organization.

Other HASANZ member associations and the GM Safety Forum will have other specific improvements to HSWA, and it is our hope that they are given serious consideration.

### **Recommendation: Better Regulations and Guidance**

New Zealand urgently needs better regulations and guidance to tackle current health and safety challenges. Clear, comprehensive, and updated regulations will form a strong basis for compliance and enforcement. Moreover, accessible guidance documents and resources will help employers and employees understand and meet their health and safety responsibilities.



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Specific examples of areas where better regulations are needed:

- Hazardous Substances
  - Including Respirable Crystalline Silica Regulation (similar to the asbestos regulation). Where better reporting and controls are mandated and regulated for any works related to crystalline silica.
- Plant and Structures
- Noise Regulation

## Conclusion

The International Labour Organization has made a safe and healthy working environment a fundamental principle and right at work. But beyond our regulatory and international obligations it is a fundamental ethical responsibility to prioritize the health and safety of workers. Ensuring that workplaces are safe, and do not harm people's health is not just imperative, but a moral duty that we must uphold.

Adequate support for HASANZ and its member associations is vital for the health and safety system.

The importance of seeking competent and qualified health and safety advice cannot be overstated. It ensures compliance with the latest standards, fosters a proactive safety culture, and brings substantial financial benefits. By reducing workplace accidents and illnesses, we not only protect our workforce but also save on the costs associated with these incidents. Furthermore, the need for better regulations and guidance is immediate and pressing, as clear and up-to-date regulations provide a solid foundation for compliance and enforcement.

Adequate funding for WorkSafe is also crucial for the effective functioning of the organization, supporting expanded enforcement activities, development of guidance, educational programs, and innovative safety initiatives. By committing to the recommendations in this submission, we will safeguard our workforce and foster a culture of safety that will have lasting benefits for society as a whole. The health and safety of our workers should always be at the forefront of our priorities, driving us towards a future where every workplace is safe.

## HASANZ support for other submissions

HASANZ supports the open letter signed by the Health and Safety Association New Zealand, the Business New Zealand, the New Zealand Council of Trade Unions, New Zealand Institute of Safety Management and the Business Leaders' Health and Safety Forum. This letter has the support of many other organizations.

Additionally, HASANZ also supports the submissions from its member associations. Member associations have put forward their own submissions covering a range of topics specific to their interests and providing a higher level of detail.