



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

Working Safer

The building of a new regulatory regime

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Legislation

Problems

- Duty holders don't know how to comply
- Duties do not reflect changes in working arrangements
- Directors do not have clear health & safety obligations
- Gaps in coverage
- Compliance and enforcement tools not sufficiently flexible
- Penalties not providing sufficient incentive to comply

Solutions:

- New legislation based on Australian Model Act
- More guidance
- “PCBUs” and workers
- Due diligence duty on officers of PCBUs (directors etc)
- “So far as is reasonably practicable”
- More explicit duties for suppliers, makers of plant etc
- More enforcement tools
- Higher penalties

Health and Safety Reform Bill

- introduced Monday 10 March
- first reading speech Thursday 13 March
- has been referred to Transport and Industrial Relations Select Committee for consideration
- Submissions called for by 9 May

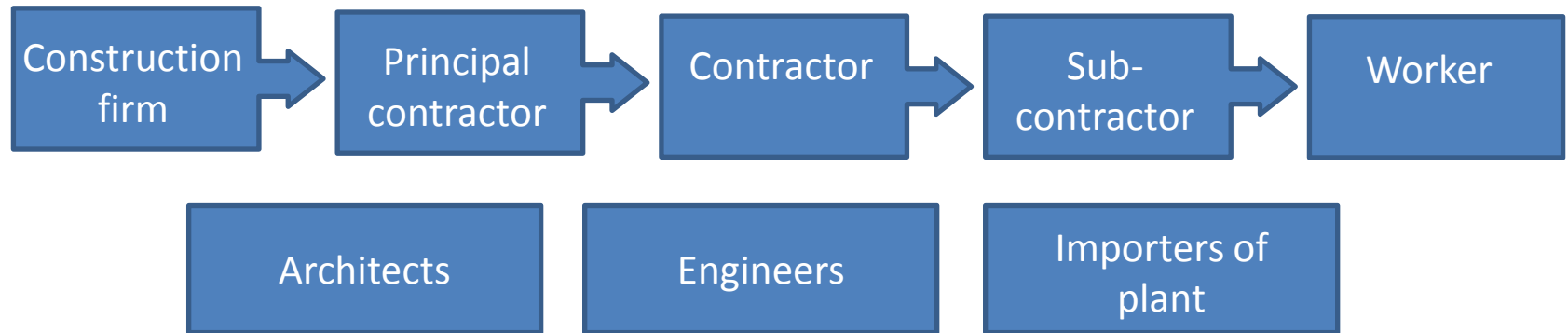


Person Conducting a Business or Undertaking (PCBU)

- *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:*
 - *workers engaged, or caused to be engaged by the person; and*
 - *workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*
- *A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*



Person Conducting a Business or Undertaking (PCBU) cont'd



Officers, workers & others

- Officers required to exercise due diligence to ensure that the PCBU complies with its duties
- Workers and others in the workplace also required to take a reasonable degree of responsibility for their own health and safety, and that of others



Worker participation:

The problem

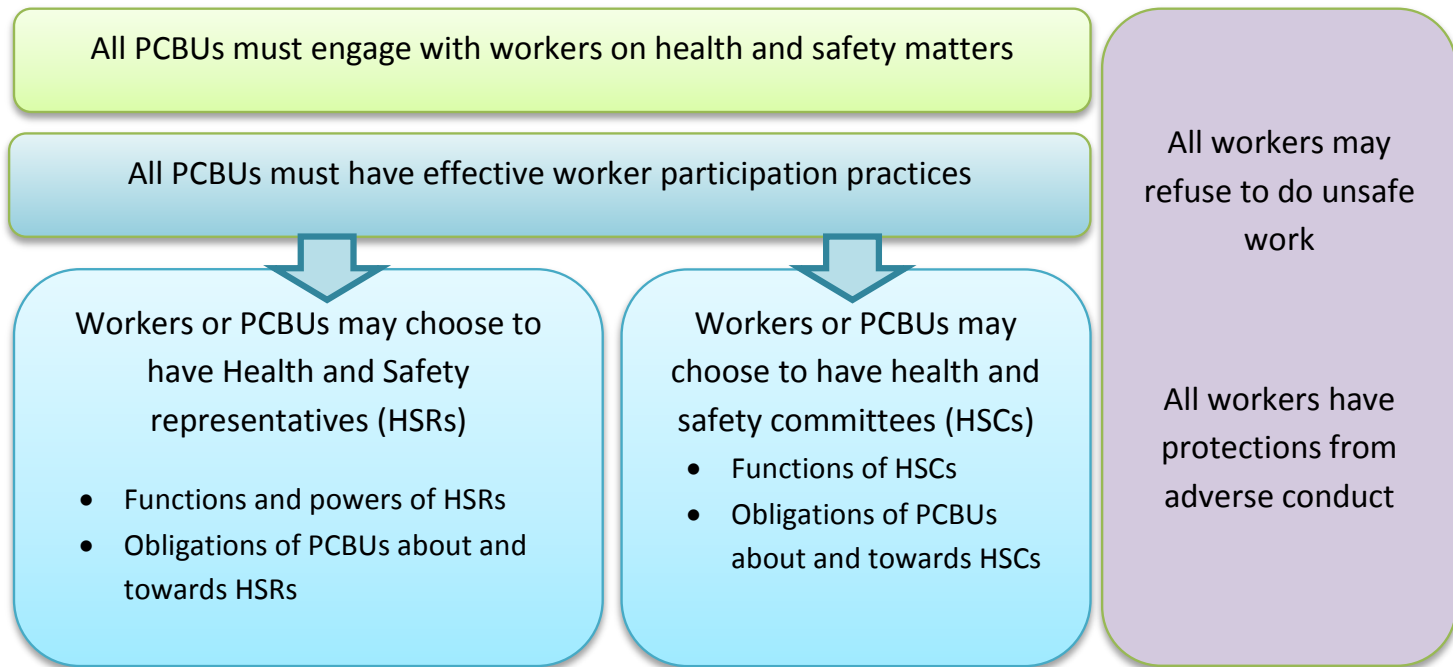
- ...the Taskforce found that worker participation in NZ is too often **ineffective** and often **virtually absent**
- Our legislation is **less rigorous** than overseas jurisdictions and **excludes** non-employees



Worker participation:

The solution

The worker participation requirements in the new Act (as proposed by the Bill) look like this:



Further detail about requirements are proposed to sit at the regulation level



Enforcement and penalties

- range of enforcement tools, enforceable undertakings new but others improved (infringement notices)
- wider range of options available to the Court when sentencing (adverse publicity orders, training orders, project orders etc)
- tiered offence regime with graduated penalties (different \$ maxima outlined for individuals who are PCBU/officers; individuals who are workers/others; and corporate entities)



Development of regulations to support the new Act

- Occurring in parallel to the passage of the Bill
- Discussion document containing policy proposals about the first phase of regulations expected to be released soon
- 8 week consultation process
- Guidance/ACoP development process (WorkSafe NZ) will shadow this process