



The New Zealand Institute of Safety Management Health and Safety Reform Survey

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Abstract

This paper provides a high-level summary of the Health and Safety Reform Survey conducted by the New Zealand Institute of Safety Management (NZISM) in April 2024. The survey gathered insights from over 1,321 health and safety professionals in New Zealand on the effectiveness of the health and safety system (including key aspects of the Health and Safety at Work Act 2015 and its supporting regulations along with areas requiring improvement). Key findings indicate a general level of comfort with the existing Act, a desire for greater regulation of particular risks (psychosocial risks, plant and machinery, sector-specific) and a desire for a better-resourced and more focused WorkSafe with an emphasis on inspector capability and guidance development.

Keywords

health and safety practitioner; HSWA; Health and Safety at Work Act;

Introduction

The Coalition Agreement between the NZ National Party & Act New Zealand contains a commitment to “Reform health and safety law and regulations” (NZ National Party & Act New Zealand, 2023). This came as something of a surprise as neither party campaigned on amendments.

The Minister for Workplace Relations and Safety, the Hon Brooke van Velden, has announced a “major consultation” on people’s experiences with the health and safety system (van Velden, 2024).

To prepare to respond to this consultation, NZISM surveyed members and others in April 2024 to capture the views of occupational health and safety (OHS) professionals on the current state of the Health and Safety at Work Act 2015 (HSWA) and its accompanying regulations.

This paper provides a high-level summary of the survey results. A more detailed analysis is available from NZISM. The survey also generated a substantial number of comments accompanying each question (typically 200-500 per question). Aside from the broad-brush summary below no detailed thematic analysis has been done on these comments; NZISM would welcome enquiries from researchers wishing to use this anonymised data.

Methodology

An anonymous 31-question online survey was developed in MailChimp with a mixture of semi-quantitative questions (eg, ‘Do you think the system is well-coordinated with answer options yes, sometimes, or no) and questions with text answers (eg, what would improve New Zealand’s health and safety performance most in your view). Most of the quantitative questions included the ability to add comments.

A link to the online survey was sent to NZISM members and other subscribers (4,728 email addresses) and advertised on social media. The survey was open for 18 days between 10 April 2024-28 April 2024.

Key Findings

Characteristics of respondents

Of the 1,321 respondents:

- 79.3% were NZISM members
- 13.9% were OHS consultants
- 70.4% were OHS managers or OHS advisors
- more than half had worked in OHS for more than 10 years.



Overall Effectiveness of the Health and Safety at Work Act 2015

The majority of respondents believe that the Health and Safety at Work Act 2015 is functioning reasonably effectively and in need of minor tweaks rather than radical revision. They commented on the following specific aspects.

Risk Assessment and Reasonably Practicable Test (section 22, HSWA)

- Works well: 42.5%
- Small changes needed: 40.5%
- Major improvement required: 14.9%

Officers' Due Diligence Duties (section 44, HSWA)

- Works well: 42.5%
- Small changes needed: 38.5%
- Major improvement required: 18.9%

Shared Duties between PCBUs (section 34, HSWA)

- Works well: 31.9%
- Small changes needed: 41.1%
- Major improvement required: 27.0%

Worker Engagement, Participation, and Representation (part 3 HSWA)

- Works well: 48.5%
- Small changes needed: 34.0%
- Major improvement required: 17.5%

Offences and Fines (subpart 4, HSWA)

- Works well: 32.4%
- Small changes needed: 29.5%
- Major improvement required: 38.1%

Health and Safety Regulations

Participants reviewed several specific regulations under the Act, generally expressing that they work well but could benefit from minor changes. Significant insights include those listed below.

Health and Safety at Work (General Risk and Workplace Management) Regulations 2016

- Works well: 45.9%
- Small changes needed: 38.5%
- Major improvement required: 13.7%

Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016

- Works well: 48.0%
- Small changes needed: 33.8%
- Major improvement required: 13.8%

Health and Safety at Work (Major Hazard Facilities) Regulations 2016

- Works well: 21.0%
- Small changes needed: 16.2%
- Major improvement required: 5.8%
- Never used: 57.0%

Health and Safety at Work (Asbestos) Regulations 2016

- Works well: 37.9%
- Small changes needed: 20.0%
- Major improvement required: 9.1%
- Never used: 33.0%



Potential Regulatory Gaps

Many respondents advocated for increased regulatory clarity or new regulations in several areas, with the strongest call for psychosocial risk regulation (51.1%). Other areas highlighted for potential regulation included mobile plant and vehicles, high-risk plant, and excavations.

WorkSafe New Zealand

Nearly 80% of respondents found their interactions with WorkSafe in the past year to be positive. However, there is a strong call for greater resourcing and upskilling of WorkSafe inspectors to enhance their capacity and capability.

The need for enhanced guidance from WorkSafe was a recurring theme. Respondents frequently use WorkSafe's resources but believe there is room for improvement in both the quality and breadth of guidance. Additionally, calls for better resourcing and management of WorkSafe underline the necessity of a well-supported regulatory body to enforce health and safety standards effectively.

The Health and Safety system

Respondents were asked what would improve the health and safety system. The hundreds of replies were extremely varied and defy easy categorisation, but some major themes follow.

- The importance of teaching workers about health and safety both on the job and as part of the education system
- A strong and capable regulator with adequate resources and a clear intervention strategy
- Clearer regulations and guidance
- Greater focus on better performance in small and medium enterprises
- Better worker participation
- The value of a review of what has worked and has not worked since the introduction of the Health and Safety at Work Act 2015.

Discussion

The survey results indicate that while the Health and Safety at Work Act 2015 is largely effective, there are several areas where targeted improvements could enhance its implementation and impact.

Recommendations

Enhancing Regulatory Clarity

- Develop clearer regulations and guidance for emerging risks, particularly psychosocial hazards, mobile and high-risk plant
- Provide detailed and accessible guidance from WorkSafe to support compliance.

Strengthen WorkSafe New Zealand

- Increase funding and resources for WorkSafe to improve inspector training, retention, and overall efficacy
- Develop a clear intervention strategy to address health and safety issues proactively
- Increase and improve WorkSafe's guidance development pipeline.

References

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