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Legislative Statement for the First Reading of the Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill

Presented to the House of Representatives in accordance with Standing Order 272

Overview

The objective of this Bill is to contribute to improved health and safety outcomes in New Zealand workplaces and reduced work-related harm. The Bill does so by improving workers' access to the health and safety participation mechanisms that best suit their context and preferences. This follows international evidence that shows that improved worker engagement, participation and representation is associated with lower rates of work-related harm.

To achieve this objective, the Bill removes the limits within the Health and Safety at Work Act 2015 (the Act) which currently allow:

- a Person Conducting a Business or Undertaking (PCBU), with fewer than 20 workers and which is not within a prescribed high-risk sector, to decline a health and safety representative (HSR) election request from its workers, and to not decide on a request to establish a health and safety committee (HSC);
- any PCBU to refuse a request to establish an HSC where the PCBU is satisfied existing practices sufficiently meet the requirements.

Improving worker access to health and safety representatives (HSRs)

An HSR is a worker who has been elected to represent their fellow workers in health and safety matters. An HSR has powers including requesting information from the business and inspecting a workplace. Trained HSRs may issue a Provisional Improvement Notice to address a health or safety problem or direct a worker to cease unsafe work.

The Bill amends the Act to provide that all PCBUs must initiate an HSR election if one or more of their workers request an HSR election. HSRs will not be mandatory; a PCBU will only have to take steps to set up an HSR election if requested by a worker or the PCBU may do this of their own initiative.

Improving worker access to health and safety committees (HSCs)

An HSC brings together worker representatives and management to work co-operatively to improve work health and safety.

The Bill amends the Act to provide that all PCBUs must establish a health and safety committee (HSC) if requested by an HSR or by five or more workers.

HSCs will not be mandatory. A PCBU will only have to take steps to set up an HSC if requested to, or the PCBU may do this of their own initiative.

Providing a timeframe for a PCBU to establish an HSC

The Bill provides that a PCBU must, “as soon as practicable” after receiving a request, establish an HSC. This addresses a gap in the Act which did not specify a timeframe for establishing an HSC. The use of “as soon as practicable” is consistent with how the Act refers to timeframes for other requirements and reflects the Act’s focus on flexibility according to the circumstances of the workers and the workplace.

Removing provisions for designating high-risk sectors and industries

The limits on access to HSRs and HSCs required high-risk sectors or industries to be designated. Removing these limits means the following provisions are no longer necessary.

The Bill revokes:

- the regulation-making power that enables regulations to be made designating high-risk sectors or industries;
- provisions within the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016 that define those designations.