

DOL AND ACC POSITION ON INDUSTRY HEALTH AND SAFETY GROUPS

(Revised August 2005)

1. Purpose

- 1.1 This paper outlines, in a joint statement, the position of the Department of Labour (DoL) and the Accident Compensation Corporation (ACC) with respect to industry health and safety groups.
- 1.2 The statement is intended for:
 - all DoL and ACC staff working with industry health and safety groups; and
 - any persons external to DoL and ACC with an interest in industry health and safety groups.
- 1.3 This statement replaces all earlier written statements and discussion documents about industry health and safety groups made or issued by either DoL or ACC.

2. Industry health and safety groups

- 2.1 An 'industry' is a particular branch of trade, manufacture or commerce. Key participants in industries are employers, employees, self-employed persons, employer organisations, trade unions and industry training organisations.
- 2.2 An 'industry health and safety group' is a group established by industry participants with the principal objects of promoting workplace health and safety, and reducing the social and economic impact of occupational diseases and injuries (or similar wording).
- 2.3 The benefits for an industry, from having an industry health and safety group, are that they:
 - enable representation of a range of interests and perspectives;
 - promote identification of health and safety priorities for the industry;
 - facilitate sharing of solutions and control approaches for hazards commonly found within an industry;
 - enable industries to contribute to and influence the development of health and safety guidance material to ensure relevance and practicability;
 - provide a mechanism for engagement with government agencies such as DoL and ACC on health and safety and injury prevention issues;
 - facilitate co-ordination of health and safety training systems and research programmes;
 - help increase consistency and standards of health and safety practice;
 - generate efficiencies and reduce compliance costs for industry employers;
 - provide a tangible demonstration of leadership and commitment to health and safety by the industry; and
 - reduce the social and economic costs of workplace injuries and diseases.

2.4 The functions of an industry health and safety group could include:

- promoting excellence in health and safety management within the industry, in particular through promoting the systematic management of health and safety;
- establishing industry-level targets for reductions in occupational injury and disease;
- monitoring industry health and safety practices both nationally and internationally;
- developing and promoting health and safety action plans at an industry level which are focused on achieving outcomes and targets;
- developing and promoting industry-specific guidance material on all practicable steps, and health and safety best practice;
- co-ordinating industry-specific research into health and safety issues;
- advising on health and safety competencies and training programmes; and
- providing feedback to DoL on compliance policies for the industry.

2.5 Industry health and safety groups may vary in formality. Some may be informal groups; others may be incorporated societies.

3. DoL and ACC perspectives

3.1 DoL and ACC are committed to the implementation of the *Workplace Health and Safety Strategy for New Zealand to 2015*. This Strategy includes action 3a (1) to “create and strengthen industry health and safety groups and business/union partnerships as a mean of directing and co-ordinating industry initiatives”.

3.2 DoL and ACC are of the view that industry health and safety groups should have the following characteristics:

- the main objects of the group should be the promotion of workplace health and safety and reducing the number, severity and impact of work-related injury and illness within an industry;
- the group should provide for wide representation from key groups and sectors within the industry;
- the group must include representation from both employers and employees (the latter is consistent with the general intent of the employee participation provisions in the Health and Safety in Employment Act 1992 (HSE Act) and would normally be achieved through trade union involvement where there is a union presence across the industry. In other circumstances employee involvement may be achieved through the participation of employee health and safety representatives drawn from industry workplaces);
- the group should, where this is appropriate to the industry, ensure that small to medium-sized businesses are adequately represented; and
- members of the group should have credibility and influence within the industry.

3.3 DoL and ACC recognise that, given the complexity of some industries, there may be overlap in the focus of different industry health and safety groups. DoL and ACC would prefer that industries minimise the degree of overlap, and co-ordinate any overlaps that cannot be avoided. DoL and ACC are concerned that large overlaps between industry health and safety groups could potentially reduce the efficiency of the finite resources that DoL and ACC have available to support industry health and safety groups.

3.4 Both DoL and ACC recognise that, to be effective and sustainable over time, industry health and safety groups must be ‘owned’ by the industry. This ownership should be

reflected in the name of the group. Therefore DoL and ACC agree not to refer to these groups as DoL groups or ACC groups.

- 3.5 Although industry health and safety groups may exist under a variety of names (e.g. forums, councils, committees, groups), ACC and DoL recommend that the variety of names used be minimised to limit confusion and promote recognition.

4. DoL and ACC priorities for industry engagement

- 4.1 The extent of each agency's involvement with particular industry health and safety groups will vary. This is because of the differing roles and interests of DoL and ACC.
- 4.2 DoL promotes workplace health and safety as lead agency for the *Workplace Health and Safety Strategy for New Zealand to 2015*. It also administers the HSE Act in association with Maritime New Zealand and the Civil Aviation Authority, and enforces the Hazardous Substances and New Organisms Act 1996 in places of work. DoL is particularly interested in ensuring that workplace hazards are being effectively managed and controlled. DoL also investigates reports of serious harm, notifications of occupational disease, and complaints.
- 4.3 ACC has a primary function under the Injury Prevention, Rehabilitation, and Compensation Act 2001 to promote measures to reduce the incidence and severity of personal injury. It is also required to conduct its injury prevention activities within the context of achieving cost-effective reductions in ACC scheme costs. For this reason, ACC usually directs its prevention resources toward areas producing the greatest numbers of injury claims and costs.
- 4.4 DoL and ACC are both committed to supporting industry health and safety groups, particularly in those industries that they have identified as their respective priorities. Priorities for each agency (2005/06) are identified in Table 1. Both agencies review and, where necessary, amend their industry priorities each year as part of annual business planning. They also target specific issues that may cross a number of industries whether represented below or not.

Table 1: DoL and ACC priority industries (2005/06)

Industry	DoL priority	ACC priority
Agriculture	✓	✓
Construction	✓	✓
Forestry/wood processing	✓	✓
Health services	✓	✓
Road transport	✓	✓
Labour hire	✓	✓
Meat processing		✓
Fishing (in shore)		✓
Grocery/supermarkets		✓
Manufacturing (metal trades)		✓
Hospitality		✓
Government	✓	

- 4.5 The involvement of one agency in an industry can create the expectation that the other agency (particularly DoL as the regulator) will also become closely involved. For this reason ACC and DoL consult with each other before adding any new priority industries.

5. DoL and ACC membership of industry health and safety groups

- 5.1 Because its functions include enforcement, DoL needs to maintain a position of independence in relation to industry health and safety groups. DoL officials can participate in meetings at the request of an industry health and safety group, but will not be full members or take part in voting. DoL officials represent the Department in an 'ex officio' capacity, and not as individuals.
- 5.2 By contrast, ACC as a personal injury insurance agency, can be more directly involved with industry health and safety groups. ACC may accept a full member role and may participate in voting processes, if invited.

6. The nature of DoL and ACC involvement

- 6.1 ACC is keen to work with its priority industries (see Table 1) to develop and implement industry-wide plans for initiatives that will reduce injury claim numbers and costs. ACC will provide advice and support in the development and implementation of these plans. ACC may also contribute funding for specific projects and applied research, where it considers this appropriate.
- 6.2 DoL is particularly interested in working with its priority industries (see Table 1) to ensure that industry-specific guidance material is available to help workplaces meet their legal obligations under health and safety legislation. Where the industry health and safety group opts to lead the development of this guidance material, DoL will provide technical advice and support as required. In some circumstances, DoL may also be able to provide support with materials layout and production.
- 6.3 Where the development of guidance material is an integral part of an outcome-focused industry health and safety plan, ACC may agree to support some of the development costs.
- 6.4 Both DoL and ACC will provide information to assist industry health and safety groups in priority industries to identify key health and safety issues. Such information may include trends in claims data, and information about common hazards and the circumstances of injuries and health problems.
- 6.5 DoL and ACC may work with other industry health and safety groups in non-priority industries as resources allow.

7. The development of standards and guidance material

- 7.1 Standards and guidance material includes:
- Statutes, and explanations of how these are to be applied;
 - Regulations;
 - Approved Codes of Practice;
 - Codes of Practice;
 - Guidelines; and
 - NZ Standards.
- 7.2 Both DoL and ACC encourage the involvement of industry health and safety groups in the development of standards and guidance material. Involvement can range from consultation input (in the case of statutes, regulations, and the approval of

codes of practice, for which government is responsible) to leading the development of industry-specific guidelines and codes of practice.

- 7.3 Where industry health and safety groups elect to lead the development of industry-specific guidelines and codes of practice they should expect to receive support from DoL and ACC in so far as an industry has been identified as a priority by either agency (see Table 1). This support may include technical advice and financial support as outlined in section 6.
- 7.4 DoL and ACC are both concerned to ensure that industry health and safety groups are well-informed and produce guidance materials that are a reflection of all practicable steps, based on the current state of knowledge. If either DoL or ACC is dissatisfied with the course being taken by the industry health and safety group, it will advise of its concerns at the earliest reasonable time, in a fair, objective and transparent manner.
- 7.5 DoL or ACC may take the lead in developing industry-specific guidance material if dissatisfied with the progress being made by an industry health and safety group.
- 7.6 DoL and ACC may endorse guidance material developed by industry health and safety groups and allow the addition of the DoL and ACC logos on published material as an indication of this. Guidance material that has been endorsed by DoL may be recognised by DoL as a statement of preferred practice.
- 7.7 DoL and ACC will continue to produce 'generic' guidance material. This includes general advice developed by DoL on compliance with health and safety legislation and guidance relating to common hazards (e.g. noise and manual handling).



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