

WORKSAFE POSITION ON WORKER ENGAGEMENT, PARTICIPATION AND REPRESENTATION



Purpose

This position sets out our expectations on worker engagement, participation and representation in health and safety. It also outlines the related duties of engagement and participation.

Why is worker engagement, participation and representation important?

Strengthening worker engagement, participation and representation are priorities for us. They are key aspects to growing a positive health and safety culture in New Zealand workplaces. Strong worker engagement and participation lead to healthier and safer workplaces. They are also good for business performance and productivity – because they help inform better decisions. When workers are part

of shaping safer work systems, they can suggest practical, cost-effective solutions, and are more likely to make them happen in practice.

What does the law require?

A Person Conducting a Business or Undertaking (PCBU) has a general duty to regularly communicate about health and safety with its workers. They must also communicate with workers about specific health and safety issues in the Health and Safety at Work Act 2015 (HSWA). Special requirements are in place for worker engagement, participation and representation for mining and petroleum work, and major hazard facilities.

Health and Safety Representatives (HSRs) and Health and Safety Committees (HSCs) are well-established forms of participation that can support worker engagement. Any PCBU can initiate the election of a worker to be an HSR or establish an HSC. Certain PCBUs are required to have an HSR or consider an HSC if requested.

What is worker engagement and participation?

Engagement and participation are related duties. What is done to meet one of those duties can help meet the other. Both duties involve two-way communication in a ‘conversation’ about health and safety. Everyone involved in health and safety must be able to contribute and have their opinion considered when decisions are made.

Each PCBU determines the best way to meet its duties. What is reasonable and effective will depend on workers’ views and needs, the size of the organisation and the nature of its risks. A PCBU can keep existing engagement and participation practices if these are effective and consistent with the HSWA.

What are WorkSafe's expectations about engagement and participation?

We expect a PCBU to have deliberate, planned ways to engage and support participation. Both engagement and participation are more likely to be effective where workers have formal and informal ways to contribute. As part of their due diligence, officers should ask questions about the effectiveness of a PCBU's worker engagement and participation practices.



HOW WORKSAFE EXPECTS PCBU'S TO ACT IN HEALTH AND SAFETY MATTERS

Engagement is how a PCBU involves workers in health and safety matters and decisions in the workplace.

We expect that a PCBU will:

- > share information and decisions in a timely way
- > give workers reasonable opportunity to share their views, raise work health or safety issues, and contribute to the decision-making process
- > consider the views of workers
- > advise workers of the outcomes in a timely way.



HOW WORKERS AND DECISION MAKERS CAN PARTICIPATE EFFECTIVELY

Participation is one way for workers to raise health and safety concerns, suggest ways to improve health and safety, and make decisions that affect work health and safety.

When participation practices are effective:

- > people have opportunities to raise issues or suggestions quickly
- > workers know how to participate, and use opportunities to do so
- > decision makers in the PCBU consider and respond to workers' contributions.

What is WorkSafe's approach to worker engagement and participation?

Our priority is to inform, educate and support PCBU's and workers, to help them understand what effective engagement and participation looks like, and ways to put it into practice.

We consider a PCBU's engagement and participation practices in our work with them. If we find problems, we act in a way that is proportionate to the situation. When our inspectors interact with a workplace, we ask

questions, provide relevant information and, where necessary, require the PCBU to make improvements. Where relevant in an investigation, we will consider how a PCBU met worker engagement and participation obligations, and whether any failures contributed to the problem.