

Association View of Workplace H&S Regulatory System

Here are some comments you may agree with. If so, please consider including them in your response to the consultation.

Focus Area One	
1. Business Operators	Struggle to understand complex compliance obligations, especially due to conflicting chemical regulations.
• WorkSafe NZ Hazardous Substances Enforcement Officers and Workplace Inspectors	Formerly upskilled by NZ Chemical Association to provide accurate and timely compliance advice and solutions, e.g. industry codes of practice.
2. Compliance Costs Major Concern: not cost-effective, particularly for SMEs	
• Major Hazard Facilities	<ul style="list-style-type: none"> • Return on annual fee not transparent. • Compliance Certifier charges not reflecting cost-effective services • WorkSafe referring enquiries to 'advisers' rather than industry associations. • Industry advice and especially CoPs not promoted. • Many Certifiers and advisers not specifically knowledgeable for role.
Focus Area Two	<ul style="list-style-type: none"> • Minimize need for regulation by encouraging practical industry solutions. • Elements of HSNO Act and HSW (HS) Regs running in parallel, causing confusion. • Regulations inflexible and complex. • Move from prescriptive to performance-based regulatory system which provides cost-effective solutions, e.g. codes of practice. • Industry led review of Hazardous Substances Regulations. • Complex and confusing Regs explained in Approved CoPs offering preferred solutions which support training, compliance and enforcement.
Focus Area Three	<ul style="list-style-type: none"> • Failure of key Government agencies to engage with industry stakeholders. • Lack of user-friendly advice, e.g. joint industry/agency workshops online, roadshows.
Focus Area Four	
• Authorised Third Parties	<ul style="list-style-type: none"> • Inspectors and Certifiers deliver often controversial interpretations and sub-standard services. • WorkSafe NZ referrals of business operators to unverified advisers.
Other	
1. Failure to benefit from harnessing industry resources and support	Minister failed to consult on inclusion of chemical advice in roadshows.
2. WorkSafe NZ not sufficiently fit for purpose in managing workplace chemical safety	<ul style="list-style-type: none"> • Failure to sufficiently upskill and validate Inspectors and Certifiers. Poor return on sponsorship, e.g. 'Safeguard' conferences. • Engage with industry to access expertise and guidance over issues critical to enabling compliance and enforcement!
3. WorkSafe NZ Goal	<ul style="list-style-type: none"> • Engage – inform – encourage – enforce. • Government intervention should be minimal – maximise engagement with key industry sectors. • Reoriented and upskilled to restore reputation and respect. • Maximise access to cost-effective resources, e.g. industry codes. • Industry resources welcomed. • Collaborate with industry associations to deliver required support to PCBU's.