

Submission from MinEx on the Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill February 2023

MinEx

MinEx is the national Health and Safety Council for New Zealand's extractives sector – the mining, quarrying and tunneling industry. Our principal purpose is to help the industry achieve its goal to be free from fatalities, injuries and diseases.

We make the following submissions in relation to the proposed Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill.

General comments

The introduction of this Bill just before the House adjourned for the end of year recess, leaving a relatively short period in which to make a submission, is concerning as there would appear to be little reason to make the changes proposed.

Currently, smaller employers – those with fewer than twenty employees, need not have a health and safety representative (or representatives) or a health and safety committee unless they are in a high-risk industry or sector (ss62 and 66 of the current Act).

The mining, quarrying and tunneling sectors are made up of over 1,200 businesses, 95% of which employ 3 workers or less. Smaller organisations have the benefit of staff working in much closer-knit environments where communication is good and often informal. As such, health and safety involves all without the need for formal committees or health and safety (H&S) representation.

Smaller employers lack the resources needed to organise elections (for a H&S representative) and have insufficient personnel to warrant establishing a committee.

Workers are required to take reasonable care of their own health and safety and PCBUs must ensure, so far as is reasonably practicable, that the health and safety of all persons is not put at risk from work carried at the site. These obligations are not avoided because smaller sites are not required to have a health and safety representative or appoint a health and safety committee. While for larger workforces, such requirements make sense, they are not relevant where the workforce is small.

Recommendations

- 1) We do not consider the Bill necessary.
- 2) Should it proceed, the Bill should include a right for employers, as now, to refuse a request for a representative or a committee but also require them to provide reasons for their refusal (such as insufficient employee numbers to make accommodating a request feasible).

The above recommendations do not excuse smaller PCBUs from health and safety responsibilities but rather recognise the likelihood that smaller employers will lack the resources needed to organise elections (for a representative) and have insufficient personnel to warrant establishing a committee.

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