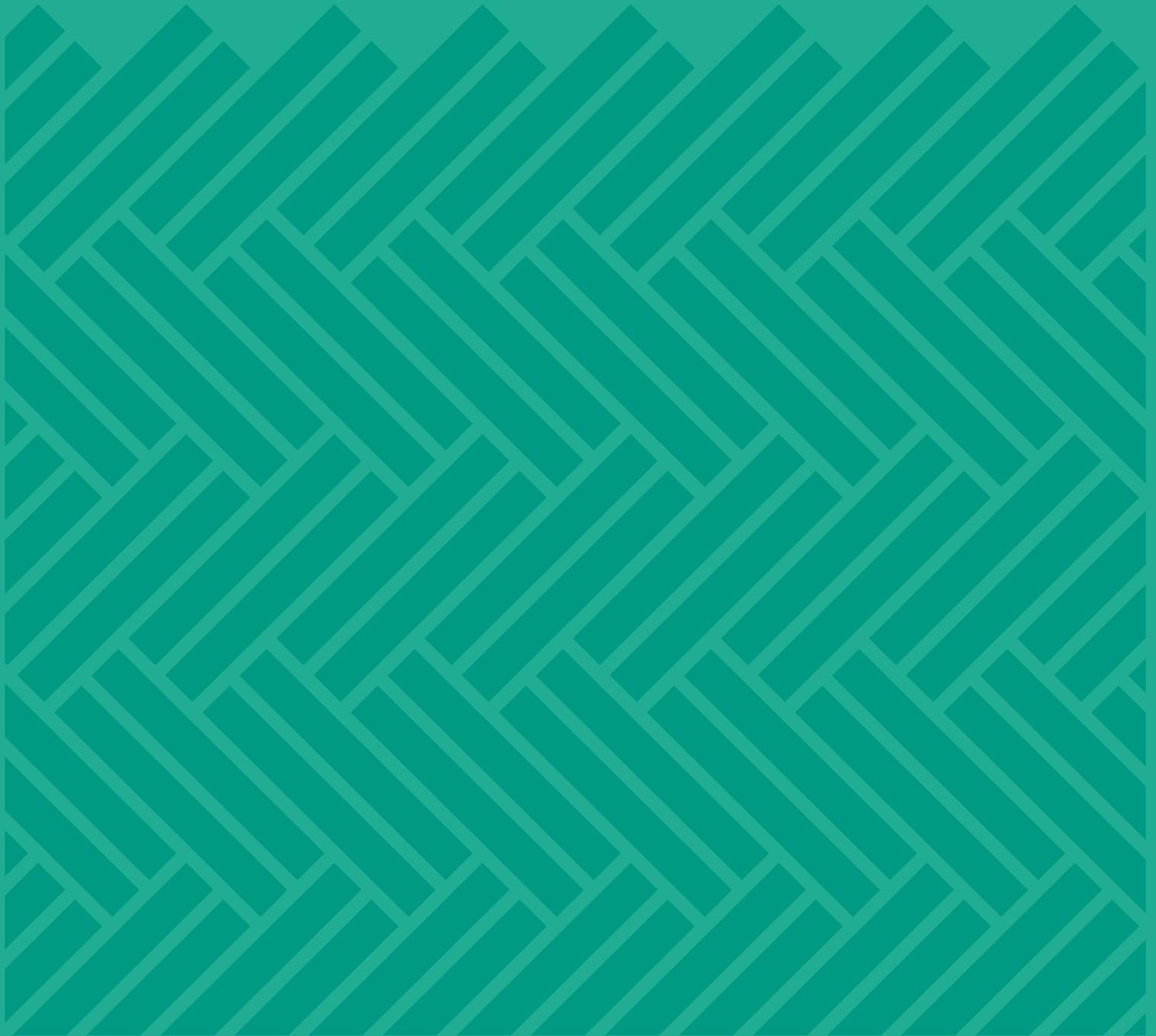


“If you haven’t heard of it, you’ve been living under a rock”

FORESTRY’S EARLY RESPONSE TO HSWA

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EXECUTIVE SUMMARY

The forestry sector is one of WorkSafe's four priority sectors, with a high incidence of injuries and fatalities. WorkSafe has had a dedicated forestry programme, running since 2010 in different forms. The programme is currently in a phase of re-developing its future work.

To inform the next phase of the programme, the project team requested research to understand what changes have occurred in the sector, and what the catalysts (both internal and external) for these changes were.

This research involved interviews and focus groups with over 100 participants in forestry across five regions, between April and June 2016. The researchers spoke to workers, contractors and owners/principals across the sector, including those working in silviculture, corporate logging and small-scale forestry.

MIXED RESPONSE TO THE NEW ACT

The owners and principals interviewed were positive about the new Act. As intended, the introduction of the new Act had created an opportunity for discussion about Health and Safety policies and procedures and a chance to review what was in place. Principals and owners were particularly concerned with the technicalities of the Act, and whether their interpretation was going to line up with how WorkSafe would interpret it.

The contractors interviewed were also using the new legislation as an opportunity to review and take stock. Contractors were more focussed on how the Act would play out for their crews, than on the technical aspects of the act. Contractors reported bearing the brunt of the costs associated with the change to the legislations, as principals and owners put new compliance activity in place, but did not increase the rates paid.

Workers reported little change and little awareness of the new Act. The change of legislation was viewed as being another shift in a long line of changing expectations, and it fed into workers feeling Health and Safety was hard to understand and an issue for specialists. There was also a worry that workers themselves were now liable for accidents under the new Act, which put them off participating further.

VARIETY THE KEY IN PROVIDING INFORMATION ON HEALTH AND SAFETY

The research found that communicating health and safety information to workers in forestry would be most successfully received by working through the contractor (their employer). Workers in both the qualitative research and the HSAB Survey stated their preference was to speak to their employer about any concerns or questions they had, even if the concern was about something the employer was requesting or doing.

Workers generally stated they preferred to get information in a physical format. While some crew members were computer-literate they were unlikely to look for health and safety information outside of work hours, and lacked coverage to access information online while at work.

Principals and contractors in the corporate sector spoke of relying on Health and Safety Advisors or Consultants to help them understand and stay informed of changes in Health and Safety, with very few saying they would call a local inspector, who were still often viewed as policing health and safety. Principals were more open to electronic communication and contractors were less likely to rely on this means of communication. Contractors and owners in small-scale forestry (including farm owners) were clear that they often had other

roles and responsibilities outside of forestry, and thus wanted simple information transmitted either through the media or industry bodies.

The key message in terms of how to communicate with those in the industry is that a one-size-fits-all approach will not work, and that even those who sit alongside each other in the supply chain have different preferences and needs.

WorkSafe has already undertaken an extensive programme of work to better understand user needs and what could be done to provide a better user experience for those wanting to engage with WorkSafe. WorkSafe has also joined Government's Better Public Services programme¹, participating in Result 9 'Better for Business', which is focused on delivering better public services for business customers. Much of this work may address the issues raised in the research.

In addition, following the implementation of the new legislation, the forestry programme worked with the Forestry Independent Safety Council (FISC) to provide guidance and information through the SafeTree website.² Much of this work was either near the end or following the fieldwork for this research, so is not reflected in the data.

¹ For more information, see: www.ssc.govt.nz/bps-interaction-with-govt

² For more information, see: <http://safetree.nz>

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INTRODUCTION

IN THIS SECTION:

- 1.1 Background
- 1.2 Method
- 1.3 Introduction

1.1 BACKGROUND

The Forestry sector is one of WorkSafe's four priority sectors, with a high incidence of injuries and fatalities. WorkSafe has had a dedicated Forestry programme, running since 2010 in different forms. The programme is currently in a phase of developing its future work. To inform the next phase of the programme, the project team requested research to understand what changes have occurred in the sector, and what the catalysts (both internal and external) for these changes were. The primary purpose of this research was to understand why any changes have occurred in the Forestry sector and the role these have played in the changes to serious injuries and fatalities observed by WorkSafe. The research gave equal focus to internal and external influences on the sector, and WorkSafe's role in the changes. As such, the research has a wider focus than the Act and how individuals access information on health and safety.

Due to the quality and quantity of data obtained during the fieldwork, the research team have developed six topic-specific reports, of which this is one. Other topic reports cover:

- > training
- > small-scale forestry
- > work-related health
- > silviculture
- > Worker Engagement, Participation and Representation.

The insights from the Forestry sector research have relevant information for WorkSafe's three other focus sectors (Agriculture, Construction and Manufacturing) and its fifth national programme (the Canterbury Rebuild), as well as wider initiatives such as the *Reducing Harm in New Zealand Workplaces* Action Plan, *Maruiti 2025*, and the *Healthy Work* Strategic Plan.

1.2 METHOD

The research involved interview and focus groups with over 100 industry members across owners, principals, contractors and crews; interviews with WorkSafe Inspectors and Assessment Managers, analysis of WorkSafe and ACC Claims data, analysis of data from WorkSafe's Health and Safety Attitudes and Behaviour (HSAB) survey, and a review of existing studies. See Appendix A for a detailed description of the methods used.

1.3 INTRODUCTION

Whilst forestry has been an area of specific focus for WorkSafe and its predecessors since 2010, the industry experienced a high number of deaths in 2013, when 10 workers were killed whilst at work. Following this, the industry commissioned an Independent Forestry Safety Review³ that was published in October 2014. The government's initial response to the review was also published in October 2014, and laid out the actions it would take under four broad areas: Strengthening Forestry Leadership, Strengthening Regulatory Standards, Strengthening Enforcement, and Strengthening the Workforce.⁴ The response highlighted the need for industry and government

³ For more information, see: www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/independent-forestry-safety-review/independent-forestry-safety-review.pdf

⁴ For more information, see: www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/independent-forestry-safety-review/initial-government-response.pdf

to work together to bring about the change required to have an impact on the rates of fatalities and severe injuries in the sector. The following issues were identified by WorkSafe in its submission to the independent review as underlying the industry's safety performance:

- > the supply chain
- > undervaluing safety
- > competency deficits
- > poor safety culture, and
- > insufficient investment in forest harvesting infrastructure.

WIDER HEALTH AND SAFETY CHANGES

To add some context to the work being undertaken in the Forestry sector, this was on the back of the Pike River mine disaster that resulted in the loss of 29 lives, and initiated the Royal Commission on the Pike River Coal Mine Tragedy.⁵ Following the report on Pike River (October 2012), the government commissioned an independent taskforce review of workplace health and safety, to advise on ways to meet the goal of reducing the rate of workplace fatalities and serious injuries by 25 percent by 2020.⁶ The taskforce reported back in April 2013, and called for 'an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes to the point where this country's workplace health and safety performance is recognised among the best in the world in 10 years' time' (Independent Taskforce, 2013). In October 2013, the government responded with *Working Safer: A blueprint for health and safety at work*.⁷ The Blueprint laid out a programme of work until the end of 2016, and included the creation of WorkSafe New Zealand and the introduction of the Health and Safety at Work Act (2015).

THE HEALTH AND SAFETY AT WORK ACT (2015)

The Health and Safety at Work Act 2015 (HSWA) is New Zealand's workplace health and safety law. It came into effect on 4 April 2016. HSWA repeals the Health and Safety in Employment Act 1992. HSWA recognises that a well-functioning health and safety system relies on participation, leadership, and accountability by government, business and workers.

HSWA sets out the principles, duties and rights in relation to workplace health and safety. A guiding principle of HSWA is that workers and others need to be given the highest level of protection from workplace health and safety risks, as is reasonable.

HSWA shifts the focus from monitoring and recording health and safety incidents to proactively identifying and managing risks so everyone is safe and healthy. A business will also need to engage workers in health and safety matters and implement effective participation practices to allow workers to contribute to health and safety on an ongoing basis.

⁵ For more information, see: <http://pikeriver.royalcommission.govt.nz/Final-Report>

⁶ For more information, see: <http://hstaskforce.govt.nz/documents/report-of-the-independent-taskforce-on-workplace-health-safety.pdf>

⁷ For more information, see: www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/working-safer-key-documents/safety-first-blueprint.pdf

02/

FINDINGS

IN THIS SECTION:

- 2.1 Owners and Principals
- 2.2 Contractors
- 2.3 Workers

This report discusses the findings about the forestry industry's response to the introduction of the Health and Safety at Work Act (2015) and how the industry accesses information on health and safety.

The fieldwork was undertaken between May and July 2016, so very soon after the introduction of the new Act, when many in the forestry sector were still undertaking work in response. The research cannot demonstrate outcomes of the new Act due to the timing, but does provide some insight into what the Act meant in its early days.

For most of the industry, the new Act had meant they needed to look for and access information on health and safety requirements, meaning it was a good time to discuss how individuals sought information. This is also covered in this report.

Similarities were found in the way the industry responded, particularly when looking at groups based on their place in the supply chain. Thus, this report is divided into three sections – owners and principals, contractors, and crews.

2.1 OWNERS AND PRINCIPALS

For the purposes of this research, owners and principals have been grouped together as they sit in the same role of contracting other employers to undertake work.

RESPONSE TO THE NEW ACT

Owners and principals in the corporate sector had better access to internal resources that focussed on Health and Safety information. Some companies had dedicated Health and Safety management roles, where others had a Health and Safety portfolio that sat with an individual Manager – commonly also the Manager responsible for Human Resources, Quality, Environmental Standards or a combination of the four. Others were working with their business's lawyer or legal team to look at the implications for both the business and its governance structure.

Overall, the owners and principals interviewed were positive about the new Act. As intended, the introduction of the new Act had created an opportunity for discussion about Health and Safety policies and procedures and a chance to review what was in place.

Look, it's another step in the path of improving our health and safety but it's not sort of the be all and end all. I mean the Act effectively, with some minor changes, what we were doing, you know, on 31 March is what we're doing on 4 April it's just there's a more direct accountability for officers and directors so that's me and the board. You know, I mean I've always felt accountable anyway so it hasn't kind of worried me.

Owner

For some, the new Act was viewed as having little impact on their organisation as they felt they were already meeting the obligations of the new Act under the old.

No, we're not because I think at the end of the day, you know, the new Act, you know, pretty much encapsulates how we do think about health and safety. In terms of, you know, identifying risk and how to manage resourcing for risk which is about, you know, obviously systems and capability of people and training development. Worker engagement, you know, we operate a number of initiatives to communicate with people on the ground. We have most of the staff in this office are field based so they're out on the ground all the time and we're working with contractors in terms of certifying their high risk roles down and we'll continue to do that.

Owner

However, much of the focus for the corporate owners and principals was on ensuring policies and documentation lined up with the Act, rather than focusing on the practicalities of the change and what the Act meant on the ground. This meant the organisations focussed on looking at responsibilities under the Act, wording in policies, and ways to ensure that they were meeting their obligations, particularly if an accident or issue occurred.

We are currently as a company going through the processes that we will change. There will be some and it's something that the manager of health and safety in Auckland and the team are working on with advice from different people. There is material that is on Safetree already that is existing crew managers and crew owners to get them started. There is a grace period. We will be looking at how we change or review of safety systems

Owner

Many of the corporate owners spoken to discussed specific changes in the Act, and were looking at the implications of these on their business. In particular, the inclusion of Officers and what this meant for their boards, the change from hazard identification to risk management, the clearer expectations of worker engagement, participation and representation, and where the Act might contradict other legislation – such as the Privacy Act (1993).

I've got a full copy of the Act and I've got WorkSafe's March special guide Introduction to the Health and Safety at Work Act and I've read that read the Act. I'm still I guess struggling to understand fully the change between the focus on hazards versus risk, after having sort of worked with the old legislation since the late 90s on the ground, so I guess, you know, in my own mind I've, you know, got a clear understanding of what was expected. And so when I read the new stuff and I find the – talking about risk because I'm so used to the old one focusing on controlling hazards, I'm still a little bit uncertain as to exactly what they're meaning because to me if you're controlling the hazard you in a sector are managing the risk. So I don't know whether I'm understanding that right or not and really here we've been talking about it for some time in our staff safety meetings about we've been looking around to try and find seminars that all the staff can attend to get it straight from WorkSafe or, you know, an external agency to get a better understanding of things.

Principal

Things like, you know, health monitoring. You're supposed to keep their health monitoring records for 30 years. Well then the Privacy Act says we actually should be destroying their employment record 90 days after they leave – so which is it, 30 years or 90 days?

Owner

Yeah, I mean, you can't avoid it really, so to be honest, if you haven't heard anything about it you must have been living under a rock. So I suppose the big stuff, you know, like, you know, not really having companies with PCBUs and everyone's responsible, we're sort of aware of how that works, and then it's sort of some of the detail getting into it, health and safety and the fact that, you know, if you've got so many people you need to have a health and safety rep, so well what happens if no-one wants to be a health and safety rep? It's all very fine if someone says we need to have one, we'll have an election, but we need some people to stand for it. So what happens if we can call for volunteers and nominations, if we have nothing then what do we do?

Owner

Though there were a number of questions posed, interviewees were comfortable that these would be addressed and a position taken on how their organisation would respond. Owners and principals in small-scale forestry (particularly those who had woodlots on farms) were less comfortable with the new Act and its implications, particularly in terms of what it meant for their liability. Most of those interviewed said that they had little information on what the changes meant for them, and had not proactively sought any clarification or information. Where they had received information on the Act, it was from a lawyer, industry body, or in the media. However, this meant there was some confusion over what was expected of them, with some believing they needed to ensure that the contractor had addressed all potential risks, as opposed to ensuring the contractor had a system for addressing risks. This is an area where the forestry and agriculture programmes could collaborate to highlight what is expected of farm owners in harvesting operations.

ACCESSING INFORMATION ON HEALTH AND SAFETY

As discussed in the previous section, owners and principals in the corporate sector reported having an internal health and safety manager, a health and safety team, or a manager that had health and safety as part of their responsibility. Consequently, a recurring theme with the corporate owners and principals was that they got their information from this source. They also discussed receiving regular updates from industry bodies and regional health and safety groups as being a way they stayed abreast of emerging issues or initiatives. Most of the owners and principals said their local WorkSafe Inspector or Manager was a point of call for them, with most having the direct number of either or both of these. Finally, a number used the WorkSafe or SafeTree websites to access downloadable resources that they used internally, or provided to their contractors.

Oh, there's a range. There's a range of sources, online, WorkSafe have been publicising through their website, through the Safeguard conference, through the Safeguard magazine, through my lawyer, through the (regional) Health and Safety Group, which is quite a functional group. Yeah, through my own reading and research.

Owner

It was clear in the interviewing that those spoken to in the corporate part of the industry had the time and knowledge of sources to invest into getting a range of information sources to inform their practice, and were comfortable with electronic information. They stated they would want the information to be in a print-friendly format so that it could be taken out to the contractors in a physical form for their use, but they themselves were happy to get it via email or off a website.

However, owners in the small-scale forestry part of the sector that were interviewed in this research did not have access to an internal health and safety role, and relied on information from their lawyer, items in the media (including newspapers), and information from industry associations – like the farm forestry association. For those not in the corporate part of the sector, time was commonly raised as a barrier for them to access information. These owners asked for templates and simple clear information on how to comply with the law rather than wanting the detail, and it was apparent that their woodlots were not their core business, which had a flow on effect to the time they could or would devote to Health and Safety. This means that when considering how to communicate with owners and principals in the forestry industry, WorkSafe (and others) cannot adopt a one-size-fits-all approach, and further segmentation is needed (over and above their place in the supply chain).

2.2 CONTRACTORS

The term contractors is used in this report to mean those who either own a forestry contracting business and employ workers, or those in a management position at the business. The research did not involve any sole trader contractors, and as such, all contractors were employers or managers of workers.

RESPONSE TO THE NEW ACT

Like the principals and owners, contractors in both the corporate and small-scale forestry sectors reported the Act had spurred them to have a look at their systems and policies looking at wording and gaps.

It's made me more aware of things. I went through a stage last year of shutting down the business for a couple of months and then we started back up with one job before Christmas and then after Christmas I got two employees and we carried on but then one of the employees didn't turn up very often and it was just two of us for a lot of the time and I was sorta looking at the paperwork going what's the point in having a tailgate meeting when it's just the two of us and writing it all down and signing it off and safety meetings with two of us and for a couple of months there I just didn't and then it sort of struck me if the inspectors do come along and then start looking back through my folder, I've got nothing. So I've just, I had to give myself a kick in the arse the last few weeks and just do it.

Contractor

There's some changes that the law demands because they've changed terminologies. There's (a) change in focus. So there are differences between the new laws that have to be responded to. Yeah. So yeah, there will be some changes.

Contractor

The shift from hazard to risk, the expectations of worker engagement, and the increased culpability were also areas of focus for contractors. As might be expected, contractors' focused more on the practicalities of the new legislation and how this would be translated into the practice of their crews.

...Risk management, probably a bit more participation. I've always believed that they have to have a big role in it anyway and I've always involved everybody in decisions, or some of the decisions on the job in assessing hazards and how they want to deal with it and all the rest of it and some of the planning and stuff so give them a sense, a fair bit of involvement anyway so I don't know that I'd change a heck of a lot there but I definitely will be getting a bit more involved with the initial stages of a job with planning and prescriptions and stuff with the forest company because I was reading all that stuff on overlap and duties and stuff yesterday on the plane on the way down and too many times we come to a job like this and it is not right and it should be better and we say oh you know we'll do it, we'll just put up with it.

Contractor

The biggest change is I think the Act is instead of focussing on a hazard it's a risk focus now. So very similar, but it's sort of the immediate risk as opposed to, you know, there's hazard, hazard, hazard. The risk is falling because of the hazard. You know, there's just some change in terminology and the penalties are harsher from what's come out. There's a bit more, and it does make the owners a direct line of responsibility in terms of Health and Safety and also with the principles of the forest, they're also more responsible.

Contractor

Some contractors felt that the new Act, through increased explicitness about responsibility, was resulting in increased paperwork to protect the owners and principals in the case of an accident or incident, rather than pushing for all parties to work together to make it safer.

I think my main concern with going forward is that I'm worried with the new legislation that there's going to be more people wanting to do more paperwork instead of just actually doing what I feel like I was meant to do, which is just get everyone to just collaborate everything and not add more structure to it, just actually go in there and say "Okay, let's make sure everyone's safe and we're all responsible for this".

Contractor

Everybody is covering their backsides, so to speak, and that goes all the way down the chain. So, that's one of the driving factors.

Contractor

The interviews with the owners and principals showed that for some, this was true and there was a definite focus on liability in the changes being made. However, this was never the only reaction to the new Act, as discussed in the section on principals and owners.

A theme of the contractor interviews, who were in the corporate sector, was that the increased level of compliance expected of them was adding to the cost of doing business for the contractors as owners passed responsibility for some of the compliance activities on to them, but did not increase the rate being paid to alleviate this increase in cost.

It has put a bloody big cost on it, I reckon everything's gone up 20 percent just on health and safety, they say that it's not a thing that you should be worried about, it's part of it; but you go back to the people that you're working for and tell them that, and then tell the Chinese and the Indians that the log prices have got to go up about \$20, they'll laugh at you, you know what I mean?

Contractor

There was some criticism of the mixed messaging being given out to contractors, with some in the industry being told that the new Act would mean little in terms of the change needed. This was viewed as being something that WorkSafe should have been clearer about.

We're still working through – getting conflicting stories, like I've had quite a – (WS Staff member)'s guidance all through this is basically it's going to be business as usual and that's the thing I've been saying to the guys. Everything that they were talking about in the early stages happens and then there'll be business paralysis, I mean everyone will stop and you're just in economic carnage. It has to be carried on and that was the message he was taking. My son's a lawyer in Auckland and a lot of his work recently has been working with all their clients on basically how to handle the new legislation and they did a lot of research on what the implications were in Australia because actually they're carbon copy and I mean his take home message was "just suck it up, pay the money and don't go to court, pay the fine but don't go to court."

Contractor

I think a lot of the industry has been, and this is a failure of WorkSafe, they've been led to believe that it's business as usual, that if you're doing things right now then don't worry when the new law comes in, you'll still be doing things right. The SafeTree website says "business as usual". I don't agree with that. What's the point of bringing in a new law if it's business as usual? I mean, there needs to be a change in response to the new law and we are making changes.

Contractor

The interviews were undertaken between May and July 2016. In July and August 2016, guidance related to the new Act was made available on SafeTree.⁸ The information is clear that while there are similarities in what is expected between the two pieces of legislation, and that many companies

⁸ For example: <http://safetree.nz/wp-content/uploads/2016/07/How-to-manage-HS-under-HSWA-July-2016.pdf> and <http://safetree.nz/wp-content/uploads/2016/08/Work-related-health.pdf>

might be already meeting their obligations under the new Act, there are differences. The guidance then discusses each in turn. This information should address the concerns raised in the research.

Finally, it was clear in the interviews that contractors outside the corporate forestry sector were less-equipped to deal with the implications of the new Act and its requirements. Without having access to the corporate forestry companies' systems, nor an internal health and safety specialist, some of the small-scale forestry contractors were unclear on what is required. Some had used external consultants, but on occasion, this had resulted in paying money for a system that wasn't used as smaller Principals and private owners were not interested in the outputs.

Not having a Principal and just trying to understand all the jobs that I should be doing. I wish I just had a tick list, that someone could come along and just go, "This is the stuff that you need to be doing as a Principal" tick yes, I've done this, tick no, I need to do this. I wish someone was there to tell me what - like (a Principal), they did the bare minimum, like I assume you know (a consultant)? Yeah, I've got that health and safety policy and it's a three-page duplicate, hazard IDs and near-misses and all that and I tried to give them to (a Principal) and they didn't wanna know about it. I tried to give them to (a private owner) before that, he didn't wanna know about it. So I'm sort of - I paid \$2,000 for this health and safety policy and no-one wanted anything.

Contractor

Small-scale forestry is an area of future focus for WorkSafe, and the findings from the research support this future direction. These contractors were consistent in stating they required greater support as they fell outside the corporate structures, and did not have the scale or profit margins to employ a Health and Safety specialist - internally or externally. By focusing on this area, the WorkSafe forestry programme is addressing a key issue within the industry.

ACCESSING INFORMATION ON HEALTH AND SAFETY

Contractors interviewed in this research most commonly said they would get the information from the forestry owner or principal they were working with, an external Health and Safety Advisor or Professional, an industry body, and finally from WorkSafe.

Many of the contractors discussed the impact of being owner/operators on their ability to access new information on Health and Safety. A lot of the contractors interviewed were also part of the crew, and like with owners of any business of this type, took on a number of roles in addition to crew and Health and Safety (such as Human Resources or environmental management). This meant they struggled to keep up with all aspects, and would often get an external Advisor to come in and support on an adhoc basis.

If you get so much interest, but at times you're expected to cover, you almost feel like you're having to cover the same amount that a person dedicated to a role in a big company gets to do. There's efficiencies in terms of the size of just doing one job, but there's pluses and minuses, but it does make it difficult at times. When there's a real big push say on, you know, like well the Act coming into being at the time and everything's going down with that, filtering down with that; trying to stay on top of that as well as your designated role just makes it that just much harder.

Contractor

In terms of using the internet and computers to access information, some of the contractors were computer-literate and others only used a computer when absolutely necessary. This has implications for the ways in which WorkSafe engages and educates contractors, and again means that even with individual roles in the industry (such as contractor) more than one approach is necessary.

2.3 WORKERS

When compared with principals, owners and contractors, workers who participated in this research responded very differently to the new Act, and in how they accessed information on Health and Safety.

RESPONSE TO THE NEW ACT

Overwhelmingly, workers reported that very little had changed from their perspective since the implementation of the new Act. In addition, a recurring theme was that many workers had not heard of the Act, or any changes being made due to its introduction. This could be due to the timing of the research taking place (between May and July 2016).

Not really, just like the wee bits, but I haven't really paid much attention to it, but it looks like they're just shovelling the paperwork onto the next person really, that's what it basically looks like to me. Like I said, I don't know much about it.

Crew member

Well, we don't know anything about it, we've had no information at all from forest companies, (the boss) has had no information from WorkSafe or the forest company.

Crew member

From a worker's perspective, many did not distinguish between changes in legislation and practice expectations – such as new rules around breaking out distances, or needing to acquire different unit standards to be considered qualified. When asked about the new Act, many workers said that there had been so many changes in recent years that they struggled to keep up with everything, and they felt it was getting to a stage where workplaces needed to have internal health and safety specialists who could translate the new expectations into a more accessible format for staff (and management).

Because of the constant changing of Health and Safety, it's gotten to the point where it's getting quite difficult. The day-to-day health and safety, the average person can run but the full compliance, you know, all your extra stuff, you've actually gotta know what all the new rules are and that, to be able to do it. And like I say, a lot of us left school. It was 'cos we were never gonna be scholars or anything like that. We were more hands-on, practical people, you know. And it's gotten a lot more, there's a hell of a lot more theory and that kinda stuff in it now, so it's sorta above the average person now.

Contractor

An area of concern that emerged was that workers were told that they could be held personally liable for an accident, if they witnessed an issue and allowed it to continue. For some workers, this meant they did not want to be involved with Health and Safety – through taking on greater responsibility on site, becoming part of a health and safety committee, or everyday involvement – as the risk felt too great. This concern was raised by workers across a number of the regions visited, suggesting it is not just a regional issue that needs correcting. This is something WorkSafe can easily address by clarifying liability for workers.

ACCESSING INFORMATION ON HEALTH AND SAFETY

Workers were asked how they access information on health and safety, both in general terms, and also if they felt they were being asked to do something by their employer that was unsafe. By far, the most often cited source was the workers' employer (the contractor), even if they thought the employer was telling them to do something they thought was unsafe. This suggests that the contractor plays a pivotal role in communicating with workers, as they were the preferred medium.

This result parallels that in the HSAB Survey. The 2015 HSAB Survey asked forestry workers where they would access advice on something to do with health and safety (if they had to in the following few weeks). As shown in Figure 1, two-thirds of workers reported they would ask their boss, followed by their Health and Safety Rep (56 percent) and then WorkSafe NZ (49 percent).

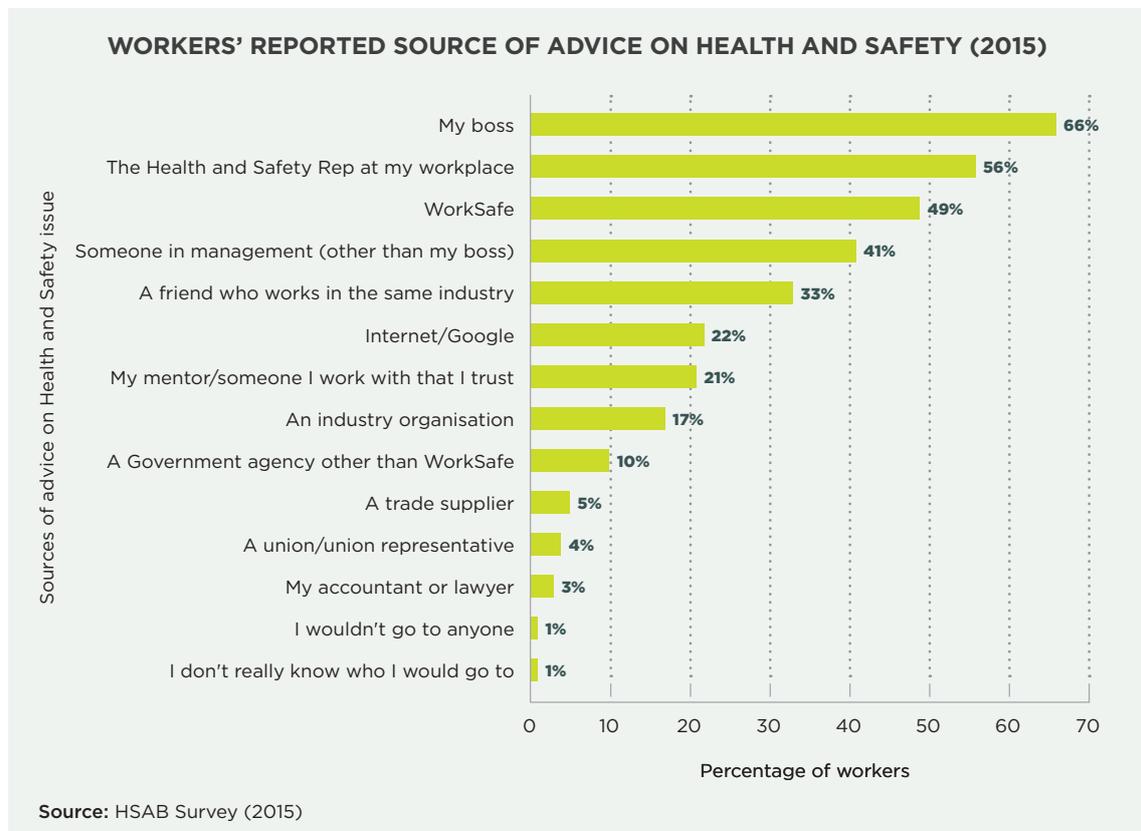


Figure 1: Workers' reported source of advice on Health and Safety (2015)

In general, workers involved in the qualitative research said they preferred to receive health and safety information in a physical, paper format as this worked better for their working conditions, and meant they could discuss the information as a group. This preference was confirmed in the 2015 HSAB survey, where 77 percent of workers said they would prefer paper booklets or brochures, followed by online training courses (44 percent), videos (42 percent), and scripts for one-one-one or group talks (41 percent). The language used needs to be simple, plain English and should not be word-dense. This was also seen in work undertaken by WorkSafe in 2015 on workers' responses to guidance materials.⁹

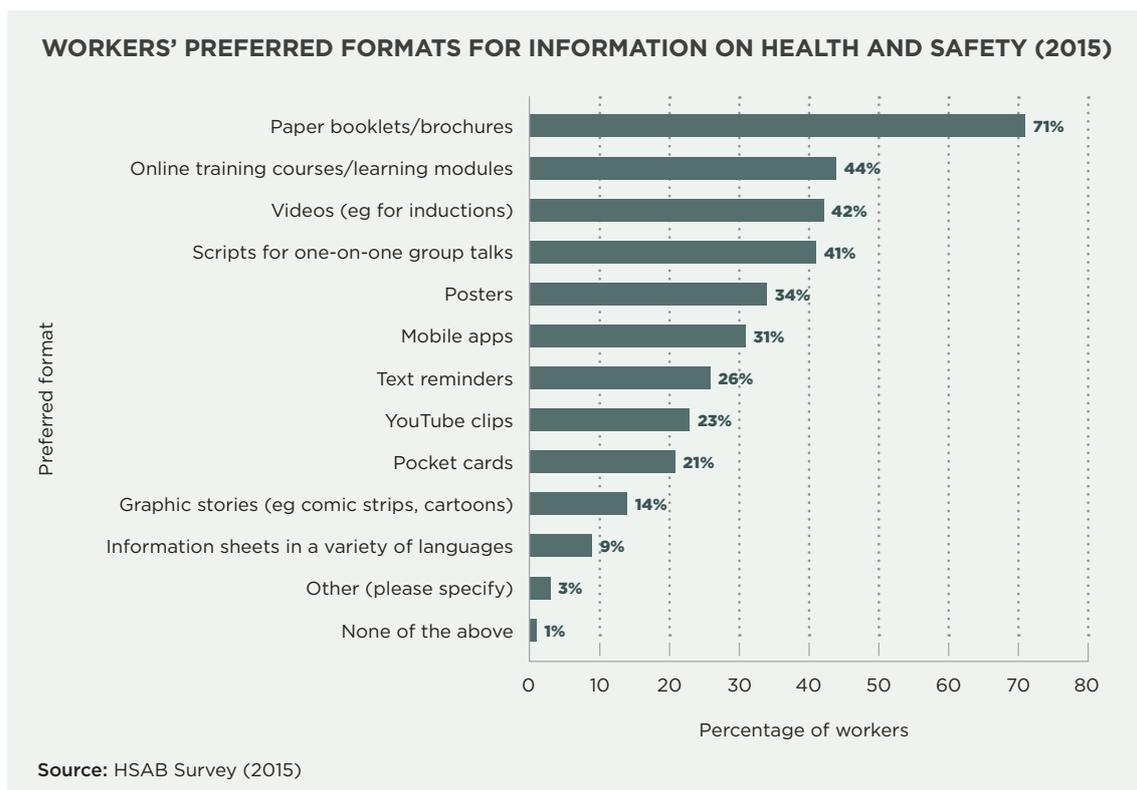


Figure 2: Workers' preferred formats for information on health and safety (2015)

Literacy and numeracy limitations were issues raised by principals, owners, contractors and the crews themselves, which was said to be why they would prefer to have something physical to discuss. This is something for WorkSafe to bear in mind given the current push to electronic and online channels of communication.

⁹ See Workbase (2015) 'Final report for worker engagement with forestry guidance project'.

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CONCLUSION

At the time of the research, the new legislation was in its infancy. This report provides some early insight into how the forestry industry responded to the introduction of the Act.

The Act received a mixed response from the industry, but had achieved an important outcome of raising awareness and creating an opportunity for review and discussion about Health and Safety in forestry operations. At a principal/owner and contractor level, the new Act had been communicated to the majority of those interviewed. However, there was still room for improvement in terms of communicating to workers.

This research found that communicating health and safety information to workers in forestry would be most successfully received by working through the contractor (their employer). Workers in both the qualitative research and the HSAB Survey stated their preference was to speak to their employer about any concerns or questions they had, even if the concern was about something the employer was requesting or doing. Workers generally stated they preferred to get information in a physical format. This was due to coverage issues while working, a lack of computer literacy, and less motivation to look at health and safety information outside of work hours - even those who were somewhat computer-literate said they were unlikely to look for health and safety information outside of work hours.

Principals and contractors in the corporate sector often spoke of access to Health and Safety Advisors or Consultants to help them understand and stay informed of changes in Health and Safety. These participants were more open to electronic communication, though this was more mixed with contractors - some of whom only used a computer if absolutely necessary. Contractors and owners in small-scale forestry were clear that they often had other roles and responsibilities outside of forestry, and thus wanted simple information transmitted either through the media or industry bodies.

The key message in terms of how to communicate with those in the industry is that a one-size-fits-all approach will not work, and that even those who sit alongside each other in the supply chain have different preferences and needs. These findings align with previous work done in this area by WorkSafe in 2015. This research provides some insight into the preferences of those in the forestry industry, but has wider application for other industries, with similar operator structures.

WorkSafe has already undertaken an extensive programme of work to better understand user needs and what could be done to provide a better user experience for those wanting to engage with WorkSafe. WorkSafe has also joined Government's Better Public Services programme¹⁰, participating in Result 9 'Better for Business', which is focused on delivering better public services for business customers. Much of this work may address the issues raised in the research.

¹⁰ For more information, see: <http://www.ssc.govt.nz/bps-interaction-with-govt>

In addition, following the implementation of the new legislation, the forestry programme worked with the Forestry Independent Safety Council (FISC) to provide guidance and information through the SafeTree website.¹¹ Much of this work was either near the end or following the fieldwork for this research, so is not reflected in the data.

¹¹ For more information, see: <http://safetree.nz>

APPENDIX

IN THIS SECTION:

Appendix A: Methods

APPENDIX A: METHODS

The research involved a mixed-method approach, using both quantitative survey and claims data and qualitative interview and focus group data. The quantitative data provides us with an observation of what change has occurred over time. The qualitative interviewing and focus groups provide an insight and understanding of the views of those in the sector and their explanations of what has changed and why.

FOCUS GROUPS WITH WORKERS IN SECTOR

Focus groups provided an opportunity to hear from a greater number of participants than interviewing alone. Focus groups also give participants the opportunity to build off each other's observations and to discuss with the interviewer. This allows for a multiplicity of views to be recorded in this interactive setting and therefore also allows insight into when and how views differ in this context.

All focus groups were conducted with crews only, no contractors were present; this was to allow staff to be as open and honest as possible without fear of employment repercussions.

INTERVIEWS WITH FORESTRY OWNERS, PRINCIPALS, CONTRACTORS AND WORKERS IN SECTOR

Interviews with managers and staff provide in-depth information on their experience of working in the Forestry sector over the past two years. Interviews give participants the opportunity to discuss issues they may not be comfortable raising in front of a group. It also provides the chance to delve deeper into specific areas that is not possible in a focus group setting.

HEALTH AND SAFETY ATTITUDES AND BEHAVIOUR SURVEY (HSAB SURVEY)

This survey is run annually by WorkSafe NZ and involves around 290 employers and 380 employees in the forestry sector. It covers a number of questions about the attitudes and awareness of Health and Safety practices and the actions taken by both employees and employers to ensure a healthy and safe workplace. This provides sector level measures of the changes over duration of the research period.

ETHICAL CONSIDERATIONS

The research was conducted according to the ethical principles and associated procedures endorsed in the Association for Social Science Researchers.

Ethical considerations apply to the primary data collection – that is the focus groups and interviews with workers and employers in the sector, and interviews with WorkSafe staff.

WorkSafe staff were made aware prior to participation that though they will not be identified by name, they may be identifiable by their role within the organisation.

Informed consent was obtained from sector workers and employers participating in the focus groups and interviews and they are not identified personally by name or business. All attempts have been made to ensure confidentiality. If data could not be reported in a way that does not identify individuals from the sector, it was not reported.

Survey data is anonymous to WorkSafe and only figures that are statistically significant and do not identify individuals have been reported in the research.

Some of the data collection took place on site at a forest where harvesting work was being undertaken. A specific safety plan was developed for staff involved, in collaboration with a forestry inspector, to ensure that research staff were not placed at undue risk during the process of data collection. Personal protection equipment was supplied.

Those who participate in the employer and worker interviews and focus groups received a participant acknowledgement in the form of a \$30 supermarket voucher. Individuals who participated in both received one voucher. Participants were not made aware of this the voucher prior to participation to ensure there was no external coercion. A reasonable amount of food and drink was provided at the focus groups and interviews. Participants will be provided with a summary of the report findings.

All research data of a confidential nature is locked in a secure cabinet, and electronic data of this nature has been password-protected. Data will be held on site in accordance with the WorkSafe NZ National Records retention policy.

RESPONSIVENESS TO MĀORI

The Forestry industry has an over-representation of Māori employed in the sector, with 34.2 percent of employees in Forestry identifying as Māori in 2013, compared with 11.2 percent of the entire workforce identifying as Māori in the same period. This means this project is likely to involve a significant number of Māori workers and employers without any focussed sampling.

Te Ara Tika suggests that in the case of Māori centred research, a research team should consult with Māori Advisors within the Agency about the research approach and the need for Māori input and wider consultation. The research should include Māori fieldwork researchers and should consider Māori project leads and analysis.

At the time of writing, WorkSafe does not currently have Māori advisors. However, the National Manager, Māori was involved in the design of this project. Two members of the research team identify as Māori and will be involved in the fieldwork and analysis.

DISCLAIMER

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