

October 2021

How we intervene

This policy's purpose

This policy sets out the principles that guide how we intervene. It also provides additional principles to guide our interventions in a major incident response.

This policy applies after we've decided:

- whether we're going to intervene (using [When we intervene](#)), and
- which interventions we're going to take.

This policy applies to all our interventions. We scale how we apply the principles up or down depending on the nature, size, and scope of the intervention. It is particularly relevant for interventions where we attend external sites, work with other agencies, or engage directly with duty holders.

The policy also includes specific principles for our response to major incidents where we need to scale up our interventions and invest more resource than normal in a particular situation.

This policy doesn't cover:

- how we decide when we intervene, or
- which interventions we choose in a particular situation.

This policy should be read in conjunction with the policies and other documents that guide how we conduct particular types of interventions.

What an intervention is

Interventions are all activities we undertake to:

- prevent harm
- alter a course of events
- improve a situation, or prevent it from getting worse, or
- change behaviour.

Interventions include programmes, guidance and education, marketing campaigns, inspections, investigations, and enforcement.

Principles that guide how we intervene

Before we intervene

WE MAKE CLEAR DECISIONS ABOUT WHAT WE'RE GOING TO DO AND NOT DO, AND WHY

We intervene on a day-to-day basis. Before intervening we consider points such as:

- What our insights and intelligence tell us.
- Why we intend to intervene.
- The purpose of the interventions we plan to use and the difference we think they will make.
- What we've tried in similar situations in the past, and what's worked and not worked.
- What our role will be.
- Who else might be involved, including other regulators.
- What the risks are and how we'll manage them.
- Cultural perspectives.
- How we'll know if the interventions have the effect we want them to.

WE PLAN AND PREPARE

We're purposeful when we intervene. We plan and prepare to ensure our interventions are:

- Fit for purpose, taking into account the unique circumstances we are responding to.
- Appropriately resourced.
- As effective and efficient as possible.

When we intervene

WE CONSIDER CULTURAL PERSPECTIVES

We build and maintain meaningful Māori Crown relations by:

- Partnering with Māori on all levels.
- Working with mana whenua on kaupapa Māori initiatives.
- Preservation of tikanga and kawa practices.
- Acknowledging spiritual and cultural safety impacts on Māori.

WE PRIORITISE HEALTH, SAFETY, AND WELLBEING

Harm prevention is our top priority when we intervene, both for our people and others.

Supporting our people

We make sure we don't put ourselves or others at risk of harm. To do this we:

- Conduct risk assessments before intervening, so we can identify and eliminate risks so far as reasonably practicable. If we can't eliminate the risk then we minimise it.
- Ensure our people are equipped to intervene in a way that maintains their health, safety and wellbeing.
- Focus on managing our critical risks.

When we intervene we may work with others. We respect the impact on them and the time and effort they provide.

We maintain our people's health, safety and wellbeing, and manage risks including by considering:

- Other ways we could intervene that present less risk.
- Delaying attending a scene or site, to reduce risks of driving or exposure to traumatic events.
- Ways to manage work-related stress, both in the office, and outside it.
- Ways we can prevent our staff being victims of aggressive or violent behaviour.
- Impacts on spiritual and cultural safety.

Some interventions are intensive and take a lot of effort and input from our people. We support our people to:

- Maintain their health, safety and wellbeing before, during, and after an intervention.
- Maintain appropriate working hours, to make sure they don't become fatigued.
- Manage the impact of being required to work away from home for long periods.
- Transition into and out of interventions.

This support takes a number of forms and includes support from managers, teams, professional supervision, debriefs, and access to professional counselling through our Employee Assistance Programme (EAP). It may include proactively providing support, including to those who have been exposed to potentially traumatic events.

Working with duty holders

We expect duty holders to fulfil their obligations to ensure health and safety.

While conducting an intervention we're focused on the intervention's intended purpose. However, if we identify other interventions we could use to prevent harm, we make a deliberate choice about what to do.

If we notice other ways we can help prevent harm when we're already intervening, we consider:

- The purpose of the interventions we're undertaking.
- The circumstances.
- The roles and responsibilities of others involved.
- The level of risk involved.
- Ways the risk could be mitigated.
- Available intelligence and insights.
- Any other interventions that should be undertaken.

We coordinate, both internally and externally

Interventions often require input from a range of teams and agencies, and possibly external experts. We coordinate internally, and with other agencies, to make sure we:

- Have the right people, skills, and knowledge to intervene appropriately, at the right time.
- Focus our efforts on what matters most to us.
- Are clear on our roles and the roles of others, and how we work together to achieve our respective objectives.
- Are inclusive of cultural perspectives.

When we coordinate with other agencies we may use a common language and system, called the Coordinated Incident Management System (CIMS).¹

CIMS is:

- Focused on achieving effective, coordinated incident management across agencies by establishing common structures, functions, and terminology.
- Generic and flexible, so it can be applied to a wide range of activities.
- Modular, so it can be scaled up and down.
- Used by many agencies across government.

¹ The Government signalled its intent to require all relevant agencies in the emergency response system to use the latest edition of CIMS: www.civildefence.govt.nz

At times we're asked to actively participate in National Security System responses. We do this when requested, to provide advice on WorkSafe's roles, responsibilities, and actions.

If we expect to work with another agency often, we may use an interagency agreement (or consider developing one) to clarify our roles and how we work together. This may also include Iwi Partnership Agreements.

WE'RE CLEAR ABOUT OUR ROLES AND RESPONSIBILITIES

We may have a range of roles and responsibilities when we intervene. We're clear about:

- What we're there to do.
- Who our decision makers are.
- Our roles, and how we manage and deliver these.
- How we work with others in our various roles.
- What we expect of others.

Where we're providing technical or subject matter advice, we carefully consider how this role relates to our broader role as a regulator. In some cases, we release our people to provide technical advice as independent experts to another agency leading a response to an incident.

We're also clear about what isn't our role. We're not:

- First responders or emergency service providers.
- Able to support welfare delivery coordination or needs assessments, and don't provide the safety function in terms of CIMS to responses led by other agencies. We may have a role in making sure others are managing health and safety risks, and if this is the case then it will be made clear to others involved.

WE REGULARLY REVIEW OUR DECISIONS TO INTERVENE

We regularly review our decisions to intervene. This helps us consider whether we should:

- Continue with or adapt the intervention(s)
- change the intervention(s), or
- stop the intervention(s).

In deciding what to do, we consider:

- What we are aiming to achieve.
- Whether the interventions are having the effect we want them to.
- If continuing the intervention(s) is a good use of our resources.
- The impact our decisions may have on others.

We record our decisions, who made them, the reasons for them, what we find out from our reviews, and how we communicate these.

When we stop an intervention

WE REVIEW HOW THE INTERVENTION WENT, AND WHAT THE OUTCOMES WERE

Sometimes after we stop an intervention we review how it went. This review can take many forms, such as an informal internal review or a formal external review. Our reviews may include consideration of:

- What we did.
- What happened as a result.
- What went well.
- If our interventions had the effect we wanted them to.
- What we can learn from our experience, or do better next time.
- What intervention, or combination of interventions, had the best impact.

WE SHARE ANY LESSONS OBSERVED OR LEARNED

Where possible and appropriate we share what we've observed or learned with others. This includes with Māori, communities, and partners to maintain meaningful and sustainable relationships.

Where appropriate, we develop new (or review existing) information sharing agreements with other agencies to facilitate this, while being careful to maintain privacy.

Major incident response

The majority of our interventions can be managed without the need for increased effort or resource. But at times our Chief Executive may proactively initiate a major incident response.

Major incident responses require:

- Different resourcing, management, oversight, governance, and assurance compared to our day-to-day interventions.
- A significant, coordinated response by WorkSafe (or with other agencies and Iwi).
- Teams to prioritise the major incident response over other work.

The Major Incident Response Plan provides the detailed arrangements for how these are managed.

WE APPLY THE PRINCIPLES IN THIS POLICY

During a major incident response we apply the general principles in this policy, and the more specific principles below.

What we do when there may be a major incident response

WE ASSESS IF A MAJOR INCIDENT RESPONSE IS APPROPRIATE

Once we've decided to intervene, we may decide a major incident response is appropriate or necessary.

Our Chief Executive decides if a major incident response is required. The decision is made on a case-by-case basis, and depends on the specific situation.

A major incident response may be appropriate when the situation requires significant resources and capacity (more than our normal interventions) and includes, or has the potential for, one or more of the following:

- Significant consequences and impacts; including on health, life, infrastructure, reputation, trade, economy, environment, shelter and accommodation, recovery, risk of further harm.
- High public, political, or media interest (however, high levels of interest alone will not usually be sufficient to warrant a major incident response).
- A complex, unfamiliar, unprecedented, or unpredictable situation with unknown or novel, untested solutions.

It may be difficult to determine if a major incident response is appropriate. If in doubt we classify the incident response as 'major', and then scale it down when we have better information.

WE PLAN, AND ARE AWARE OF THE IMPACT OF A MAJOR INCIDENT RESPONSE ON OUR OTHER WORK

Planning our major incident response is critical as, by definition, major incident responses stretch our resources and pose unfamiliar, unprecedented challenges.

In planning a major incident response we are mindful of:

- The resources we need to deliver our major incident responses effectively. This may include specialist and support staff, Iwi and kaumātua, ICT needs, travel, facilities, and other requirements.
- The impact on staff health, safety, and wellbeing, and how we will manage this.
- The possibility of a range of interventions being run simultaneously.
- The need to maintain our normal business (where possible) while also delivering our major incident response.

We manage the trade-offs associated with a major incident response, including our ability to deliver other work, and the impacts on those involved.

WE COORDINATE WITH OTHERS

We coordinate effectively internally, and externally.

Coordination is crucial before, during, and after a major incident response because the response:

- Is of high importance to us as an organisation.
- Is likely to be under scrutiny.
- May mean we need to work outside our normal procedures.
- Can change our internal priorities.
- May change the relationship between teams, and the way we need to engage with others.
- May be of cultural significance to Māori and other communities.

WE COMMUNICATE WITH OUR KEY STAKEHOLDERS

We have a number of key stakeholders, including the Minister, WorkSafe Board, and the Ministry of Business, Innovation, and Employment (MBIE), and, where appropriate, Iwi. We communicate regularly with our key stakeholders to keep them informed during major incident responses.

WE REVIEW WHETHER A MAJOR INCIDENT RESPONSE IS STILL REQUIRED

We regularly review whether a major incident response is still required, and if anything has changed which could lead us to a different conclusion. This could include if we receive new information, other agencies get involved, or we choose to stop our interventions.

WE THINK CAREFULLY BEFORE STOPPING A MAJOR INCIDENT RESPONSE

Before we de-escalate or stop a major incident response we make sure any ongoing interventions are sufficiently planned-for and resourced. For example, where we are investigating, we make sure our investigation is well-placed to continue, before we stop our other interventions.