

House of Representatives

Supplementary Order Paper

Tuesday, 28 July 2015

Health and Safety Reform Bill

Proposed amendments

Iain Lees-Galloway, in Committee, to move the following amendments:

Clause 13A

In *clause 13A(b)*, replace “; but” (page 32, line 12) with “; and”, and insert:

- (ba) includes any person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the health and safety practices of the businesses or undertaking; but

Clause 62

After *clause 62(1)(b)(ii)* (page 61, after line 31), insert:

- (iii) to seek advice in relation to the matter; and

Clause 66

After *clause 66(4)(a)* (page 65, after line 5), insert:

- (ab) agree the work group structure with the workers; and

Schedule 1A

In *Schedule 1A*, delete *clause 19* (page 205, lines 12 to 27).

In *Schedule 1A*, after *clause 21(1)(b)* (page 206, after line 15), insert:

- (ba) allow each member of a health and safety committee who is not a health and safety representative to receive adequate training for the performance of their role; and

Explanatory note

This Supplementary Order Paper amends various provisions in the Health and Safety Reform Bill to ensure the protection of health and safety in New Zealand is not weakened by it.

In *clause 13A* of the Bill officers who can be held responsible for health and safety practices includes those with overall management responsibility but does not include those who have management specifically of health and safety. This amendment will correct this by making an officer include any person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the health and safety practices.

Worker participation in health and safety is crucial to ensuring accidents can be prevented. The requirements in the Bill under *clause 62* for what constitutes workers being given a reasonable opportunity for input only allows for them to be able to express their views and contribute. However a person cannot express their views or contribute effectively if they have no time to consider the matter or seek independent advice. Without this time the quality of worker engagement could be substantially lower. This amendment seeks to correct this by adding a requirement that workers have the opportunity to seek advice.

As currently drafted *clause 66* requires the employer to create a work group if health and safety representatives are elected. However it does not require the structure of how this will be set up to have input from workers. This amendment requires the employer to agree the structure with their workers.

This Supplementary Order Paper deletes *clause 19* of *Schedule 1*. This provision would have allowed an employer to ask WorkSafe to remove a health and safety representative. It is not appropriate for an employer to seek to remove their health and safety representatives and could lead to those representatives who are doing a good job trying to reform a stubborn business being removed.

This Supplementary Order Paper also amends *Schedule 1, clause 21* to allow health and safety committee members who are not representatives to also receive training.