

## **NEW ZEALAND IS A WORLD LEADER IN PUNITIVE LAWS**

It is understood that in Australia, no small business with less than \$20 million turnover per annum is required to be accountable for human resource legislation designed to make it possible for frivolous and vexatious claims such as personal grievance to have status.

It is believed that at the time of Johnnie Howard Government it was decided to limit the availability of opportunities for workers to mount cases that would often force a company out of business. The subsequent Labour Government of Australia did not make any significant alteration to the laws promulgated.

In New Zealand, we have exactly the opposite views of small business. We consider that they have obligations to treat workers as culturally privileged individuals with huge entitlements that are guaranteed to ensure substantial financial rewards for claims that would have zero status in most developed countries.

The political systems in our land have been built up over decades and most business people do not realise that the main political parties are little different in how they treat business owners of this land. NZ has some of the most socialistic traditions and laws that would easily beat those of former Soviet Russia and her satellite countries.

## **ONLY 33% OF ALL SERIOUS HARMS BEING REPORTED?**

**Did you know? (Worksafe NZ Website) October 2017**

One-in-five workers said they had experienced a serious harm incident in the last 12 months. ACC STATISTICAL CLAIMS report for Jul 2016 to June 2017 for all injury types indicates a total number of 135,538 actual claims. We know that there are at least 1.5 million workers and probably more than 1.6 million and growing. At 1.6 million 20% would be 320,000.

If the above figures are correct then less than half of serious harms are actually reported. Although there were a total of 330,000 workplace injuries, only 30,700 of them were classified as serious harms. At this level the under-reporting would stand at close to 90%. Let us however assume that most of the victims do not understand the difference between serious harms and not serious harms. The average would then be only 33% of events being reported.

Please note that we do not encourage or condone bargaining or cajoling or payments for staff to forget about accidents. This is an outright crime and we disapprove of it. Our goal is to encourage staff and managers to go for a goal of zero serious harms and achieve this.

Summit	Manager	Name
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Telephone/Fax		
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## **GOVERNANCE (THE RULE OF LAW) IS VERY VERY GOOD**

In a little-known 2006 World Bank report *Where Is the Wealth of Nations?* A team of economists provide a snapshot of wealth in 120 countries, and they find that governance is key. A full 46 percent of total wealth in high-income countries derives from the rule of law, the most important factor. This is an extraordinary finding with sweeping implications. The economists divide each country's capital stock into three categories: (1) natural capital (pastureland, subsoil assets, timber, non-timber forest resources, protected areas, and cropland); (2) produced capital (buildings, machinery, equipment, and infrastructure); and (3) intangible capital (raw labor, human capital, social capital, quality of institutions).

These are the range of assets upon which development depends and from which income and saving flows. In high-income countries, intangible capital comprises 80 percent of total wealth, with human capital and the rule of law being the most important factors. Intangible capital comprises 58 percent of total wealth in low-income countries, where natural capital tends to be more important as land resources play a larger role.

In high-income countries, 46 percent of total wealth derives from the rule of law, the key factor. The report concludes, "The estimates of total wealth—including produced, natural, and human and institutional capital—suggest that human capital and the value of institutions (as measured by rule of law) constitute the largest share of wealth in virtually all countries" (p. vii).

Despite the primary importance of governance, there is little true disruption in governance compared to other areas of the capital stock such as equipment or machinery, where "creative destruction" is common. Moments of true innovation in governance are so rare that they capture worldwide media attention such as the emergence of Dubai as a financial and research hub.

Dubai was once a sandy desert. Today it is a leading center of international finance, commerce, and research, and one of the wealthiest places on earth. Dubai has the fifth-fastest growing economy in the world thanks to its many "free zones" that place virtually no taxes or restrictions on foreign trade. Dubai studied and adopted "best practices" in global financial governance, embracing English common law and global trade. This has attracted private capital and entrepreneurs, lifting countless others out of crushing poverty. "Governance entrepreneurs" would create thousands of Dubai-style zones around the world if allowed to experiment with new ways of solving social problems and discovering "best practices" that could be transplanted elsewhere.

## **SAFETY STAR RATING SYSTEM REVISED FROM 15 TO 10**

3.

Please note that the SSRS is now ten chapters or standards. The final scheme is a voluntary scheme devised by Officials MBIE and ACC and sites cannot be compelled to do it. In addition, it is our understanding that the scheme is not an Approved Code of Practice and probably is not benchmarked to AS/NZS ISO 45001. It follows that it cannot be used in a court of law or would not be accepted by a learned Judge. It will however be promoted as best practice by Worksafe NZ and we would encourage every site to consider it on its merits. We are 200% in favour of every scheme that has the objective of improving workplace safety in NZ. For Safe Plus details visit Worksafe website.

### **Leadership**

The business has effective governance and leadership in health and safety

#### **1.1 Officers effectively govern health and safety**

#### **1.2 Senior leaders/officers set a clear direction/vision for health and safety**

#### **1.3 Senior leaders understand the key health risks and safety risks in their business**

#### **1.4 Senior leaders monitor and verify risk control effectiveness**

#### **1.5 Senior leaders consider potential impacts on health and safety when making business decisions**

### **PERFORMANCE REQUIREMENT 2**

Senior leaders visibly demonstrate their commitment to health and to safety through their actions

#### **2.1 Senior leaders set / communicate health & safety performance expectations & enable others to achieve**

#### **2.2 Senior leaders recognise good practice and performance**

#### **2.3 Senior leaders stated commitments and actions are connected**

#### **2.4 Senior leaders create an environment of trust and fairness within the business**

#### **2.5 Senior leaders readily address unsafe actions, practices and situations**

### **PERFORMANCE REQUIREMENT 3**

The business strives to continually improve health and safety practice and performance

#### **3.1 The business sets goals for health and for safety improvement**

#### **3.2 The business plans and implements actions to meet health goals and safety goals**

#### **3.3 The business monitors and evaluates progress against its health goals and safety goals**

#### **3.4 The business, with workers or their representatives, reviews and evaluates its effectiveness in risk management and broader health and safety management**

#### **3.5 The business uses ongoing monitoring, review & evaluation activity for business decisions / change**

### **PERFORMANCE REQUIREMENT 3 - CONTINUED**

The business measures its leaders and managers individual contributions to health and safety performance through performance appraisal or similar individual performance measures.

The business actively provides opportunities for contractors & suppliers to improve their HSE performance.

The business looks externally for best health and safety practice that can be applied within the business.

### **PERFORMANCE REQUIREMENT 4**

The business resources health and safety activities

#### **4.1 The business plans, directs and provides resources for achievement of its goals, plans and activities**

#### **4.2 The business ensures that health and safety roles, accountabilities and responsibilities are clear and understood in all business relationships**

#### **4.3 The business checks that workers (including contractors) have the competence and resources necessary to perform their roles**

#### **4.4 The business integrates health and safety into procurement**

#### **4.5 The business proactively accommodates employee incapacity and ill health**

### **Worker Engagement**

### **PERFORMANCE REQUIREMENT 5**

The business communicates effectively

#### **5.1 The business' methods and content of communication meet the needs of workers**

#### **5.2 The business is responsive in resolving disagreements or issues**

#### **5.3 The business communicates and shares learnings**

### **PERFORMANCE REQUIREMENT 6**

The business engages with, and empowers, workers and representatives

#### **6.1 The business ensures that workers have the opportunity for involvement in matters that may affect HSE**

#### **6.2 The business ensures that worker engagement, participation and representation practices are agreed, enabling, resourced and supportive**

#### **6.3 The business defines worker & rep authority to take action in matters that directly affect their HSE**

#### **6.4 The business ensures workers & their reps are effectively involved in decisions re risk management**

#### **6.5 Workers & reps are directly involved in the setting & monitoring of health safety goals for the business**

### **Risk Management**

### **PERFORMANCE REQUIREMENT 7**

The business, with workers and their representatives, identifies work-related health risks and safety risks

#### **7.1 The business uses a variety of methods to identify health risks and safety risks**

#### **7.2 The business applies the methods to the identification of both health risks and safety risks**

#### **7.3 The business applies the methods to the identification of risks in its supply chain and/or from the activities of other parties including contractors**

#### **7.4 The business applies the methods to the identification of risks associated with change, non-routine activities and emergencies**

### **PERFORMANCE REQUIREMENT 8**

The business, with workers and their representatives, assesses health risks and safety risks

#### **8.1 The business' methods for assessing risks are relevant, effective, understood and agreed**

#### **8.2 The business applies the methods for risk assessment to all risks**

#### **8.3 The risk assessment process focuses the business' attention and determines action**

### **PERFORMANCE REQUIREMENT 9**

The business, with workers and their representatives, takes a proportionate approach to controlling health risks and safety risks

#### **9.1 The business applies a hierarchy or matrix when controlling risks**

#### **9.2 The business identifies and applies a mix of controls to prevent, mitigate and respond to risks**

#### **9.3 The business risk assessments inform the identification and application of risk controls**

#### **9.4 The business identifies & uses guidance, standards / legal requirements when determining risk controls**

#### **9.5 The business consults, cooperates and coordinates with other parties including contractors, suppliers and those it works with or alongside when controlling risks**

### **PERFORMANCE REQUIREMENT 9 CONTINUED**

**A Leading Business** . The business *always* looks for the highest level of risk controls available and can demonstrate why a higher level of control is not practicable for all ongoing health and safety risks. The business actively encourages and assists other businesses to develop and adopt higher levels of controls through its interactions with, contractors, suppliers and other businesses.

### **PERFORMANCE REQUIREMENT 10**

The business, with workers and their representatives, ensures controls are effective in managing health risks and safety risks

#### **10.1 The business checks that identified controls for health & safety risks - understood / implemented**

#### **10.2 The business checks that other parties understand and implement agreed risk controls**

#### **10.3 The business tests and verifies the effectiveness of risk controls**

#### **10.4 The business identifies and takes action to strengthen risk control effectiveness**

#### **10.5 The business investigates, learns and improves risk management from success and failure**

NB: you can order the 30p specification from our Head Office by email at no charge.

You can then consider trying to make up your own system with our help if you wish

