



Kupu whakataki Foreword

We report on WorkSafe's first 10 years.

In 2013 we noted¹ New Zealand's alarmingly poor workplace health and safety statistics:

- 55 work-related fatalities
- 6,000 serious harm incidents
- Up to 900 workers may prematurely die from diseases caused by long-term workplace exposures
- Annual health costs of workplace accidents were on pace to reach \$684,589,579²

Ten years on, WorkSafe has cost the Crown approximately \$800,000,000 and we have:

- 62 work-related fatalities (worse)
- Worsening trends in the reportable workplace harm incidents
- Up to 900 workers still expected to prematurely die from diseases caused by long-term workplace exposures (no improvement)
- Annual health costs of workplace accidents on pace to exceed \$1,000,000,000 this year (a 45% increase)

In 2014 we wrote: "too many people get killed, injured, or sick at work in New Zealand." Today it is worse than it was 10 years ago. The trends in key indicators such as week away from work due to work-related injury are trending upwards. The human cost to individuals and families is the greatest tragedy.

Major Catastrophes

WorkSafe was created following the Pike River disaster. In pursuit of our mandate to avoid another disaster, in 2014 we identified the hazard presented by adventure activities and we promised to add the necessary audit capacity to audit operators providing these high-risk activities who had a duty of care to their customers. Judge Evangelos Thomas has decried the reliance upon "worthless audits" amidst the "spectacular failures contributed to by WorkSafe itself" in relation to the Whakaari Island disaster that occurred 5 years after we identified the hazards of adventure activities. Only one of the adventure tourism operators operating on Whakaari Island was registered and Judge Thomas identified the obvious deficiencies in the most critical part of the risk assessment that it was required to make.

In 2014, we were acutely aware of the need to have an effective prosecution policy, yet when it came to our most significant challenge – the Whakaari prosecutions – the District Court reminded the country of WorkSafe's

¹ WorkSafe 2013/14 annual report at page 6

² ACC data for the 2015 year.

inadequacies in basic investigative activities. Poor prosecutions undermine the deterrent effect on other failing duty holders.

We can offer, therefore, no comfort that New Zealand is better prepared for the next major catastrophe than it was in 2010 when 29 miners died unnecessarily.

Workers are still exposed to toxins unnecessarily at work

in 2014, we announced that up to 900 workers were likely suffering premature deaths because of toxins they were exposed to at work – 18 times as many annually as the death toll from Pike River and Whakaari Island combined.

We are on pace to record more than 25,000 premature work-related deaths by 2050 from cancer-causing workplace exposures - 26% of workers have probable medium/high exposure to at least one carcinogenic agent³. We know this because we part-funded the study referred to below.

By looking up the invaluable data in the New Zealand Carcinogens Survey, mothers will be able to predict the types of cancer their working children will likely die from, for example:

CARCINOGEN	BY EXPOSURE LEVEL (%)				CANCER SITE WITH SUFFICIENT/LIMITED EVIDENCE IN HUMANS (ICD-10 CODES)																										
	Exposure at any level (%)	At a low level	At a medium level	At a high level	Lung (C33-C34)	Leukaemia (C91-C95)	Mesothelioma (C45)	Melanoma of the skin (C43)	Skin (C44)	Larynx (C32)	Lip (C00)	Bladder (C67)	Stomach (C16)	Nasal (C30)	Ocular melanoma (C69)	Colorectal (C18-C20)	Pharynx (C10, C13)	Kidney (C64)	Nasopharynx (C11)	Breast (C50)	NHL (C82-C86)	Liver and bile ducts (C22-C24)	Prostate (C61)	Pancreas (C25)	Oesophagus (C15)	Haematolymphatic organ (C83)	Ovary (C56)	Oral cavity (C14)	Brain (C71)		
At least one carcinogen	57.5	53.1	32.2	28.0																											
Benzene	30.0	21.7	1.0	7.3	●	●															●										
Solar UV	26.8	7.4	12.7	6.8				●							●																
Ocular UV	25.5	14.6	6.8	4.1											●																
DEE	23.7	9.5	10.4	3.7	●							●																			
ETS	14.6	11.6	0.0	2.9	●					●							●														
Styrene	12.2	7.8	4.4	0.03		●																									
Crystalline silica	10.3	6.3	1.6	2.4	●																										
Shiftwork	8.6	6.1	7.3	6.8												●				●			●								
Wood dust	8.4	1.4	2.5	4.5											●					●											
Other PAHs	8.1	4.3	2.4	1.4	●																										●
Formaldehyde	7.9	5.6	1.7	0.6		●														●											
Chromium VI	6.2	3.6	1.3	1.2	●									●																	
Lead	5.0	2.1	2.3	0.6									●																		

● Cancer site with sufficient evidence in humans based in IARC ● Cancer site with limited evidence in humans, but sufficient evidence in animals (based on IARC)

Of course, part of WorkSafe’s mandate is to proactively prevent such premature deaths, but we have chosen the wrong path⁴ – we have created tools, used social media, and conducted roadshows, but we have failed to get the message to the workplaces where the harm is being caused. Our PowerPoint presentations delivered in suits and ties are entirely remote from the world where innocent workers, fearful of losing their jobs, are poisoned by PCBUs who are ignoring their legal responsibilities. These victims have not attended our “expos.”

What we needed to do was to train the inspectorate and compliance certifiers to compel compliance with the legislation that is especially well designed to properly protect workers. We ought to have realised that had we made sure that workers were informed about their exposures to carcinogens and fined those employers who breached their duties, behaviour could have been quickly changed.

³ WorkSafe 2022/23 annual report at page 24.

⁴ At page 24 of its 2022/23 annual report: “WorkSafe has a dedicated programme aimed at reducing exposure to carcinogens and airborne risks and improving related management practices. Guidance and tools for businesses, workers and inspectors are circulated through social media and at conferences and seminars. Nine roadshows across the country focusing on these risks and including an interactive health risk expo attracted over 1,100 workers and managers.”

WorkSafe's Inspectorate

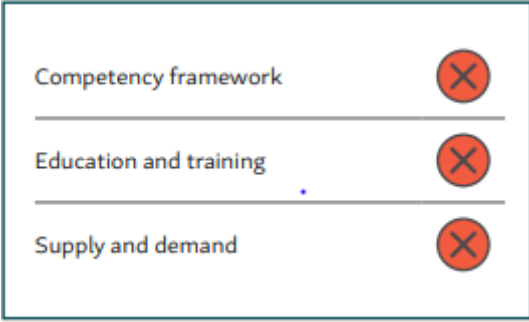
In 2013, we announced our progress and our grand plans for the Inspectorate (Operations) which we expected to increase to 200 inspectors by 2016⁵. In 2022/23, that number peaked at close to 400 people. We have doubled the size of the Inspectorate, while worker death and harm outcomes have worsened. The productivity of the Inspectorate is estimated at about one fifth of the productivity of compliance certifiers in the private sector who perform similar roles.

The Inspectorate exhibits at times a lack of training. Educating PCBUs is near impossible without effective training. Attempts to combine education and punishment (fines) has also failed.

Compliance Certifiers

Compliance certifiers have a legislated role in the front-line of auditing compliance with the Hazardous Substances Regulations 2017, a role that has existed in the private sector since around 2000.

In 2019, HASANZ released its report into Building the Professions and identified serious weaknesses in many aspects of performance of compliance certifiers. It presented its report card for hazardous substances professionals as shown below:



Competency framework	✗
Education and training	✗
Supply and demand	✗

Today, the “skill deficiencies” remain that we have reported to parliamentary select committees⁶.

We have been provided data which suggest that compliance certifiers are issuing more than 50% of their certificates of compliance for non-compliant PCBUs.

Fire and Emergency New Zealand reported 689 responses to hazardous substances events in 2022.⁷ We have to wonder whether New Zealand has made any meaningful progress since the toxic smoke and tragedy for firefighters caused the 1984 ICI fire on the current site of the Sylvia Park mall.

Digital transformation

We have long aspired to complete what we have described as digital transformation. We have long spoken of ourselves as an “insights-driven regulator” yet our inspectorate continues to primarily use pencils and paper to accumulate the sparse information that they collect during inspections.

Board and management

We acknowledge that 10 years is ample time for WorkSafe to have performed and Board and management duly acknowledge our roles. We commit to work with the incoming government to provide a clean slate so that WorkSafe's next five and ten years will be materially better.

⁵ WorkSafe 2013/14 annual report at page 8.

⁶ Phil Parkes, CEO of WorkSafe, in March 2022.

⁷ Data not reported in FENZ 2022/23 annual report.