

BRIEFING

Health and Safety Reform Bill: Worker Participation Proposals

Date:	8 December 2014	Priority:	Medium
Security classification:	In Confidence	Tracking number:	1062 14-15

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister for Workplace Relations and Safety	Agree to officials discussing with social partners possible amendments to the worker participation provisions of the Health and Safety Reform Bill	15 December 2014

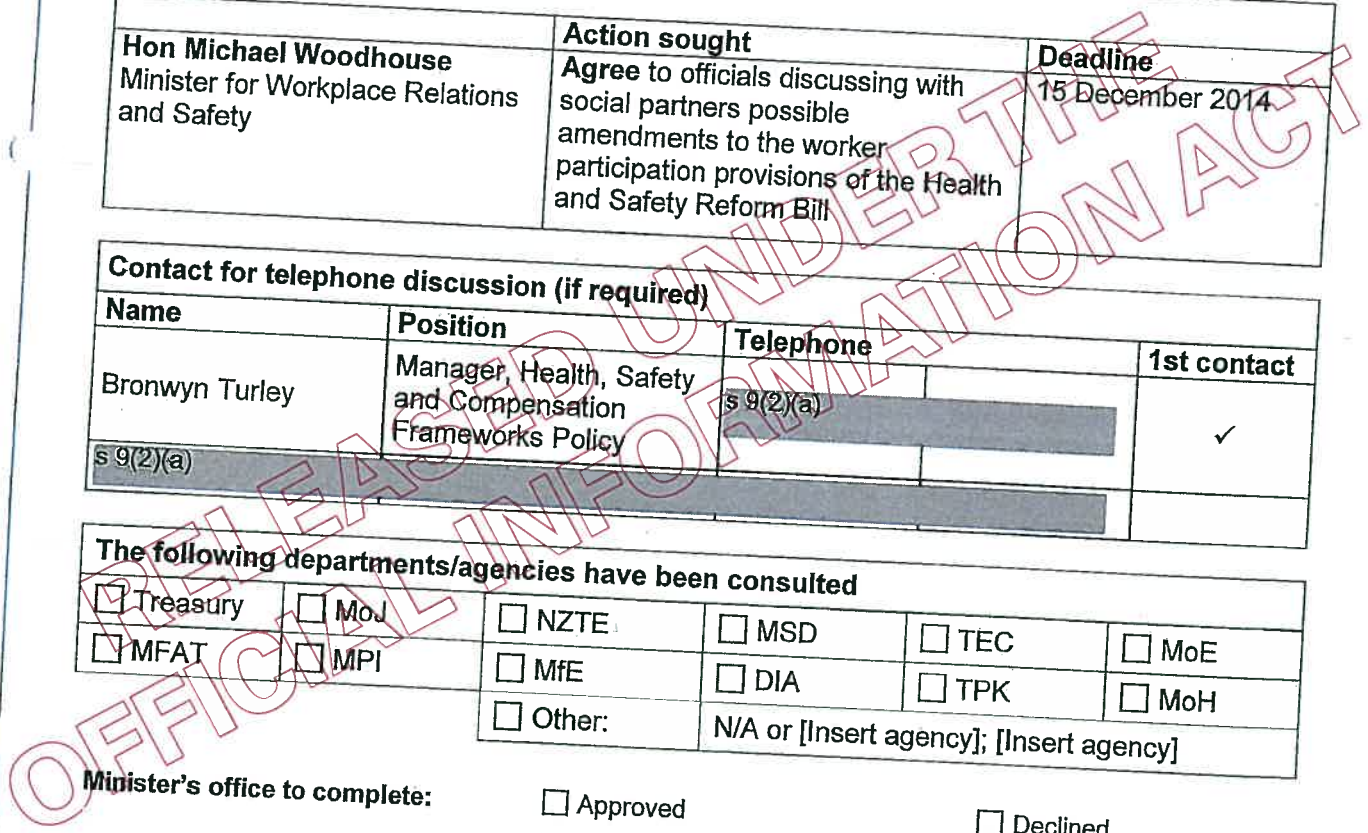
Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Bronwyn Turley	Manager, Health, Safety and Compensation Frameworks Policy	s 9(2)(a)	✓
s 9(2)(a)			

The following departments/agencies have been consulted						
<input checked="" type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE	
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH	
<input type="checkbox"/> Other:		N/A or [Insert agency]; [Insert agency]				

Minister's office to complete:

- | | |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments:





BRIEFING

Health and Safety Reform Bill: Worker Participation Proposals

Date:	8 December 2014	Priority:	Medium
Security classification:	In Confidence	Tracking number:	1062 14-15

Purpose

To seek your agreement for officials to discuss possible amendments to the worker participation provisions in the Health and Safety Reform Bill with social partners.

Executive summary

1. The Transport and Industrial Relations Committee has resumed hearing submissions on the Bill. It is clear from submissions that there are a range of issues with the worker participation provisions in the Bill in particular. These issues relate to the design of the system and its workability, and will need to be addressed in order for the system to be effective.
2. Officials, with the permission of the previous Committee, have spoken to Business New Zealand, the New Zealand Council of Trade Unions and the Health and Safety Business Leaders' Forum about their concerns with the provisions. It has been clear from those discussions that there is a level of agreement about where the key problems lie. While we expect that the groups will have different views on how these problems can best be addressed, the discussions to date have been constructive and we think we could achieve a level of buy-in to proposed changes by discussing possible amendments with them as a group.
3. Officials have developed proposals for changes to the worker participation provisions of the Bill, which are outlined in this briefing. The changes have been designed to address the key concerns raised by all parties about the workability of the system, while retaining flexibility for businesses and workers to develop unique systems. It also provides for an easy "default", for businesses which don't have the time or resource to invest in developing a unique system.
4. We recommend that you agree to officials discussing the proposed revisions with Business New Zealand, the Council of Trade Unions and the Business Leaders' Forum.

Out of scope

Recommended action

The Ministry of Business, Innovation & Employment recommends that you:

- a **Agree** to officials discussing with social partners possible amendments to the worker participation provisions of the Health and Safety Reform Bill

Agree

Bronwyn Turley
**Manager, Health, Safety and Compensation
Frameworks Policy**
Labour and Commercial Environment, MBIE

Hon Michael Woodhouse
**Minister for Workplace Relations and
Safety**

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..... / /

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Background

1. You have previously been briefed on the worker participation provisions in the Bill [refer *Health and Safety Reform Bill: Briefing for the Incoming Transport and Industrial Relations Committee (0771 14-15)*].
2. The Bill increases the incentives for PCBUs to have appropriate worker engagement and participation by placing two overarching duties on all PCBUs to:
 - a. engage with their workers on health and safety matters
 - b. have effective worker participation practices.
3. If a PCBU or a worker chooses to have health and safety representatives (HSR), Bill has further provisions on electing HSRs, and their functions and powers. If a PCBU or five workers chose to have a health and safety committee (HSC), the Bill sets out the functions and obligations of a committee.
4. HSRs and HSCs are one means of having effective worker participation practices within a business. A PCBU can meet its duty through other forms of worker participation, provided they are effective.

Balancing worker participation practices

5. The low trigger thresholds for HSRs and HSCs have lead some submitters to view HSRs and HSCs as mandatory. Submitter concerns include:
 - a. the trigger thresholds are too low
 - b. the HSR or HSC requirements could, against the wishes of a majority of workers or the PCBU, disrupt alternative, effective worker participation practices already in place within a business, and
 - c. more flexibility is required where HSRs and HSCs are a less appropriate form of worker participation, for example in small and/or low risk businesses.
6. Officials have considered how the Bill's provisions could be revised to address these concerns.

Key objectives for worker participation practices

7. The key objectives sought are:
 - the processes are simple, clear, transparent, as fast as possible, and provide certainty to duty holders
 - the Bill's provisions incentivise PCBUs to have effective worker participation practices, to support the PCBU's duty to ensure health and safety
 - the Bill's provisions enable PCBUs to effectively hear about health and safety matters from their workers
 - the Bill's provisions provide real flexibility for PCBUs to have alternative, effective worker participation practices that are appropriate to business size or risk
 - workers have the opportunity for real input into the design of worker participation practices
 - where HSRs are elected, they are supported and have genuine powers.
8. To address submitters concerns and to achieve these objectives, two amendments that we are considering to the current provisions in the Bill relate to the trigger for a worker to request HSRs or HSCs, and the provisions for establishing groups of workers to whom a HSR's powers apply.

Trigger for having HSRs and HSCs

9. The Bill provides that one worker can trigger an election of HSRs and five workers (or an HSR) can trigger the establishment of a HSC.
10. Officials are reviewing how the triggers work. Rather than being able to immediately trigger the business to have elections for HSRs or establish HSCs, the alternative approach is that:
 - the worker would first trigger a review by the PCBU of their current participation practices
 - if a PCBU considers and can reasonably assert that they currently have effective practices that meet their duties, they would not be required to have HSRs and/or HSCs and the business would retain its existing effective practices
 - the regulator would have a role to assist the parties under the Bill's existing issue resolution provisions if they disagreed about the effectiveness of the PCBU's current practices.
11. This approach provides an incentive for PCBUs to have both practices in place to meet their duties and to be clear about the effectiveness of their practices – otherwise the review that is triggered will lead to an election for HSRs or the establishment of a HSC. This approach is intended to support small businesses in particular to retain existing effective practices that are more appropriate to their size.
12. It also needs to be underpinned by a clear view from the regulator about what effective worker engagement and participation looks like – this is to provide the “meat on the bones” of the two overarching duties. Effective practices can be made clear in both guidance and through other action by the regulator. This clarity should help PCBUs determine the most effective practices for their business, and minimise the need for the regulator to help resolve issues about effectiveness (although it will need to have this role).

Out of scope





BRIEFING

Draft Cabinet papers in support of the Health and Safety Reform Bill

Date:	Friday 30 January, 2015	Priority:	High
Security classification:	In Confidence	Tracking number:	1648 14-15

Action sought

	Action sought	Deadline
Hon Michael Woodhouse Minister for Workplace Relations and Safety	Note the content of this paper and the attached draft Cabinet papers about the Health and Safety Reform Bill and regulations. Out of scope s 9(2)(a)	Monday 2 February 2015

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Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Bronwyn Turley	Manager, Health, Safety and Compensation Frameworks Policy	s 9(2)(a)	✓
s 9(2)(a)			

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
		<input checked="" type="checkbox"/> Other:	WorkSafe		

Minister's office to complete:

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| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments:

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BRIEFING

Draft Cabinet papers in support of the Health and Safety Reform Bill

Date:	Friday 30 January 2015	Priority:	High
Security classification:	In Confidence	Tracking number:	1648 14-15

Purpose

To provide you with near-final draft Cabinet papers about the Health and Safety Reform Bill and associated regulations, ^{Out of scope} as a basis for discussion with officials.

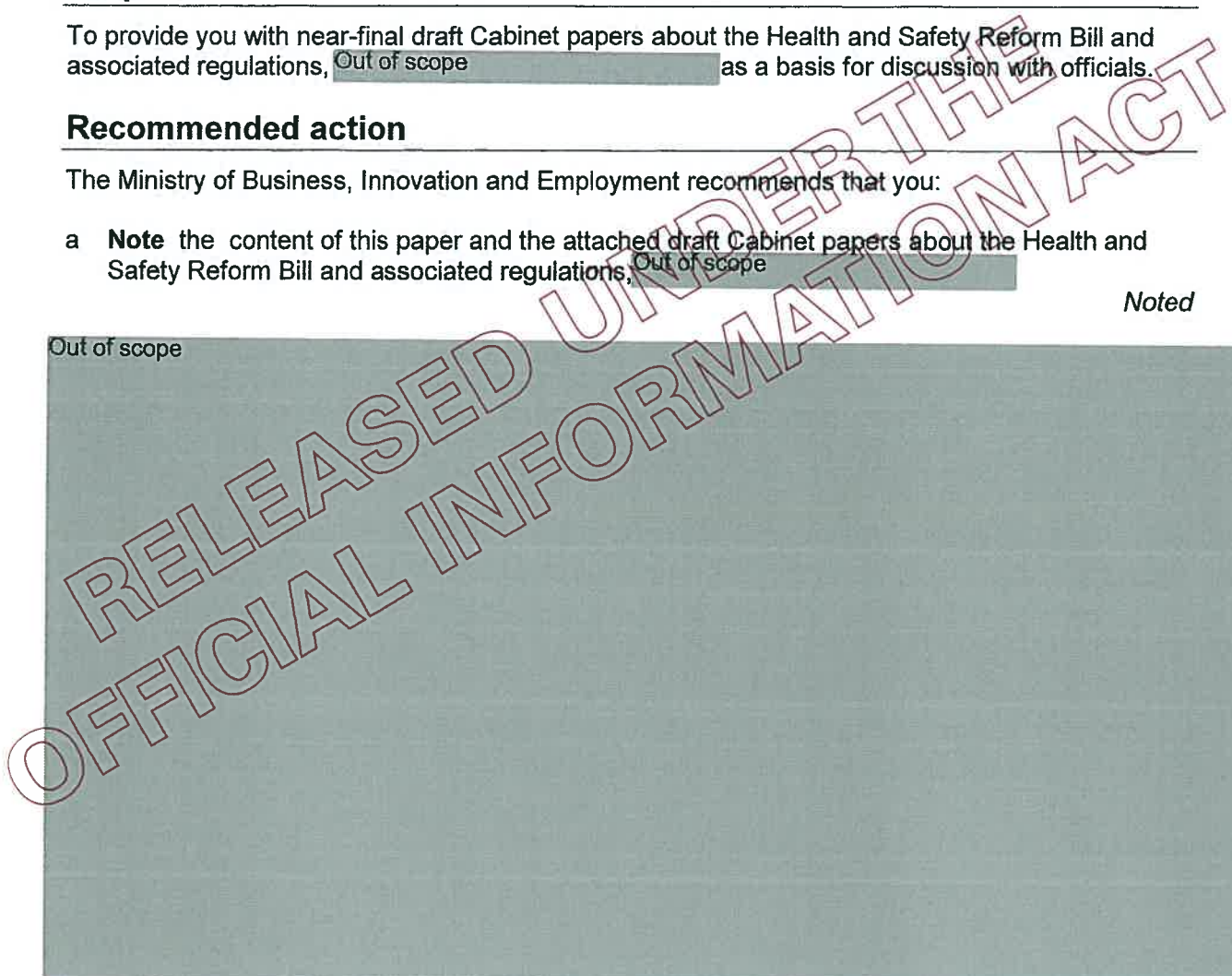
Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** the content of this paper and the attached draft Cabinet papers about the Health and Safety Reform Bill and associated regulations, ^{Out of scope}

Noted

Out of scope



Bronwyn Turley
Manager
Health, Safety and Compensation Frameworks
Policy
Labour Environment Group, MBIE

Hon Michael Woodhouse
**Minister for Workplace Relations and
Safety**

..... / /

30/1/15
1648 14-15

Background

- 1 We have provided briefings and had ongoing discussions with you on the progress of the Bill being considered by the Transport and Industrial Relations Committee (Select Committee), as well as issues arising with submissions and key stakeholder groups. This briefing updates you on developments since our meeting with you to discuss the Bill on Thursday 22 January 2015.
- 2 Since last Thursday's meeting we have revised the Cabinet papers to reflect our recent discussions with you on the proposals, and feedback from agencies. We have continued to meet this week with social partners to discuss the worker participation proposals, Out of scope
Out of scope
- 3 The appendices therefore contain near-final papers and have been provided for your consideration and any further discussion you require before submission to Cabinet Office on 4 February 2015, for the Economic Growth and Infrastructure Committee meeting on 11 February 2015.
- 4 We would like to discuss the content of the papers with you at your scheduled officials meeting on Monday 2 February 2015. Later next week we will provide talking points for the EGI meeting on 11 February 2015.

Out of scope

Update on progress with the papers

- 9 Below we summarise progress that has been made on different issues addressed in the three Cabinet papers since you last reviewed each of them, and progress with the Regulatory Impact Statement. All papers are still in draft form, and further refinements can be made before submission to Cabinet Office.
- 10 Other government agencies have provided feedback on the proposals and we have incorporated the majority of that feedback. Out of scope
Out of scope

Draft Cabinet paper: Proposed improvements to the Health and Safety Reform Bill

Refining the definition of “workplace”

- 14 The paper proposes recasting the definition of “workplace” to include workplaces where work is customarily carried out. This is to help address submitters’ concerns about the scope of the duty to notify incidents and to manage or control a workplace.

Flexibility of worker participation practices

- 15 We have made a revision to the approach taken in the Cabinet paper to the flexibility of worker participation practices (see paragraphs 45 to 76 of the paper).
- 16 The proposal in the previous draft paper included a change to the effect of a worker seeking to trigger an election for a health and safety representative. Rather than triggering an election, the trigger would be for a review by the PCBU of its existing practices. The proposal also applied where a health and safety representative or five workers requested a health and safety committee.
- 17 As discussed with you, we have tested this proposal with Business New Zealand (BNZ), the New Zealand Council of Trade Unions (CTU) and the Health and Safety Business Leaders’ Forum (BLF).
- 18 We have continued to revise the proposal in light of the feedback we received. We were particularly concerned to address the risks that the draft proposals could:
- a. Lack clarity and be too complex for PCBUs to understand and use; and/or
 - b. Undermine the requirements – in the absence of a clear set of alternative practices, there is a risk that alternative, untested arrangements will not achieve the intended outcomes.
- 19 We have subsequently revised the proposal to:
- a. Retain the more flexible approach when a health and safety representative or five workers requests a committee (i.e. it would trigger a review by the PCBU rather than require a committee to be established)
 - b. Revert to the approach currently in the Bill for a worker to be able to trigger an election for a health and safety representative, but provides for the ability for regulations to be made to exempt businesses with five or fewer workers which operate in low-risk sectors from the automatic trigger for representatives. These businesses would still be subject to the duties to engage with workers and have effective worker participation practices.

- 20 The Cabinet paper notes that further work would be required to refine the scope of the exemption. It proposes that low-risk sectors will be defined by regulations and will be determined by reference to injury and fatality data.
- 21 Our view is that this proposal enables flexibility for small, low-risk businesses but puts in place an important safeguard to ensure that a proven and internationally standard mechanism to achieve worker participation can be required in workplaces where effective participation is most critical to better health and safety outcomes.
- 22 The Independent Taskforce wanted to ensure that workers who had a concern about health and safety or worker participation practices within a business could have a voice in health and safety and be empowered to intervene when they see an unsafe situation, without fear of unfair reprisal. An important element of this was ensuring that there were workers with sufficient training to be able to understand when, and how, to intervene.
- 23 The concerns of the Taskforce were also reinforced by the Independent Forestry Safety Review who found that while individual workers may be aware of health and safety risks, they often lack the knowledge or skill or power to be able to raise and address issues in an environment where the culture does not support them to do so. Health and safety representatives play a role in providing information and support to their colleagues to enable these issues to be effectively raised.
- 24 The ability to trigger representatives elected by workers, who are trained and can carry out functions around health and safety is present in the key jurisdictions we compare ourselves too, and well established in international labour conventions. This approach enables a worker who feels that they are not adequately supported to speak up about health and safety matters. This rationale does not necessarily apply to committees – we agree with submitters that the ability to automatically trigger committees could disrupt existing practices, bringing cost without necessarily leading to better outcomes.
- 25 In most cases the duty to have a representative will not be onerous and should be able to coexist with a PCBUs other worker participation practices. Health and safety representatives are required to attend training 2 days a year at an estimated approximate cost of \$800.00, and be given time to carry out health and safety functions under the Bill, and are able to use powers which have appropriate limitations on them to avoid abuse.
- 26 We have tested the revised proposal with BNZ, CTU and BLF. BNZ are comfortable with the revised approach and consider that it achieves an appropriate balance. The CTU continue to have concerns about the package of changes to the worker participation provisions, but support the shift back to an automatic trigger for health and safety representatives. They have some concerns that the exemption for small, low-risk businesses is unprincipled. BLF expressed concern that the revised proposal scales back the ambition for worker participation – which is to support the development and adoption of worker participation practices that are fit for purpose for the business and effective in that business. They would prefer greater flexibility so that more innovative practices can be developed and evolve over time.

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- 37 The paper has also been updated to propose amending the Bill to make it clear that elected local government officials do not have any officer duties as a member of the council in respect to activities carried out by council-controlled organisations (CCOs). The change noted above will make it clear that an elected official who is also an officer of the CCO will have an officer duty when acting in the capacity as an officer of the CCO.
- 38 The Department of Internal Affairs' preferred option is to redraft the Bill to remove the duty from elected officials, or, if this is not possible, that specific guidance is provided to clarify how the due diligence duty applies to elected officials. DIA advises that they will brief the Minister of Local Government of their views and preferred option. They have also provided feedback that they consider that proposals for council-controlled organisations are unnecessary as they consider that the remoteness between elected representatives (who are not appointed as directors to the boards of CCOs) and CCOs, and therefore the separation of duties, is clear.

HSNO Act provisions

- 39 We have inserted new provisions as suggested by the Ministry for the Environment to enable a new enforcement role for the Environmental Protection Agency with respect to "upstream" requirements for importers and manufacturers of hazardous substances. Both agencies are comfortable with the proposed amendments.

State sector implementation of the reforms

- 40 We discussed with you in late November a draft Cabinet paper: Implementing the Work Health and Safety Reforms in the Public Sector (Briefing 1125 14-15 refers). This draft paper arose from a Cabinet decision that you should report back on WorkSafe's approach to engaging with and supporting government agencies that operate in higher risk areas (CAB Min 13 42/10 refers).
- 41 Following your feedback on that paper, we have been working with WorkSafe, the SSC and other agencies to refine the approach that WorkSafe and other regulators will take to support the implementation of the reforms in the public sector. This work is noted in paragraphs 232 and 233 of the attached draft Cabinet paper. WorkSafe, MBIE and SSC are developing a plan for this engagement to continue over the next 18 months.
- 42 Given the stage that the reform process is currently at, we think it is necessary (at a minimum) that the original report back timeframe be extended, so that the report back could cover the substantive actions that WorkSafe, MBIE and the SSC have taken to support the implementation of the reforms. However, we have also considered whether it is necessary to have a report back to Cabinet at all.
- 43 On balance, we propose that rather than a Cabinet report back, WorkSafe and MBIE regularly report to you on progress with supporting the implementation of the reforms in the public sector, and where appropriate we can provide updates that you could share with other interested Ministers. If you agree, we will prepare a letter for you to send to the Chair of the Cabinet Economic Growth and Infrastructure Committee proposing that this report back requirement be cancelled, and replaced by a requirement that officials provide you with regular updates on progress instead.

Draft Cabinet papers for Regulations to support the new Act

- 44 The two draft Cabinet papers for policy decisions concerning the first phase of regulations in support of the Bill are combined as Annex 2 of this document.

Out of scope

PAPER A: Background, process and transfer of existing regulations

- 48 Paper A provides the overall background, context and process for the regulations required to implement the new health and safety at work act. It seeks agreement to decisions about:
- a. matters of process for phase one regulation development, and
 - b. matters of content relevant to all phase one regulations.
- 49 A regulatory impact statement for the development of the regulations is attached as an appendix to this paper. We discuss progress with that document below.
- 50 The paper refers to an extended timescale for the development of the hazardous substance regulations, but we do not expect this to be contentious.

PAPER B: Specific regulatory matters

- 51 Paper B seeks initial decisions about the content of five specific areas of regulation:
- a. enhancing regulation relating to general risk and workplace management
 - b. introducing regulation outlining process requirements for health and safety representatives and committees, to support more effective worker participation
 - c. improving existing regulation relating to work involving asbestos
 - d. bringing the regulation of workplace use of hazardous substances under the new Act (from the HSNO Act)
 - e. introducing regulation covering major hazard facilities.
- 52 The most contentious of these areas is worker participation. However, the regulations will only implement matters decided in the Bill, so discussion should focus on the Bill's provisions rather than the regulations.
- 53 We will provide talking points on each of the papers and their proposals.

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Annexes

Annex 1: Draft Cabinet paper: Proposals to Improve the Health and Safety Reform Bill

Annex 2: Draft Cabinet papers: POLICY DECISIONS FOR REGULATIONS TO SUPPORT THE NEW HEALTH AND SAFETY AT WORK ACT –

PAPER A: Phase one regulation matters of process and content (includes Regulatory Impact Statement as an appendix)

PAPER B: Specific regulatory matters (includes paper on fees and levies as an appendix)

Out of scope



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§ 9(2)(a)

From: § 9(2)(a)@parliament.govt.nz>
Sent: Thursday, 5 February 2015 9:58 a.m.
To: Bronwyn Turley
Cc: § 9(2)(a)
Subject: Worker participation diagram

Importance: High

Hi Bronwyn,

The Minister has asked for a diagram to take along to Cabinet, to illustrate for his colleagues the worker participation requirements.

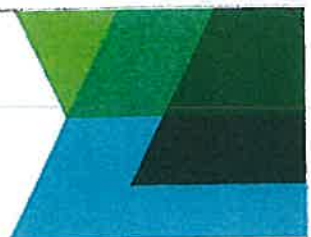
This would be like a decision tree, to show the different steps businesses would go through for different situations, like:

- if they had existing worker representatives and just had to transition
- duties of a business if the no one asks for a rep
- duties of a business if an employee does ask for a rep
- duties of a business if 5 employees ask for a committee
- duties of those businesses who qualify for the exemption.

Happy to talk you through it more if you'd like. § 9(2)(a) explained it in a similar way when discussing the changes in the papers to § 9(2)(a) so it may be worth checking in with her about it too.

Many thanks,

§ 9(2)(a) | Private Secretary – Workplace Relations and Safety
Office of Hon Michael Woodhouse | Parliament Buildings, Wellington
Email: § 9(2)(a)



BRIEFING

Health and Safety Reform: Cabinet Committee Talking Points

Date:	10 February 2015	Priority:	High
Security classification:	In Confidence	Tracking number:	1772 14-15

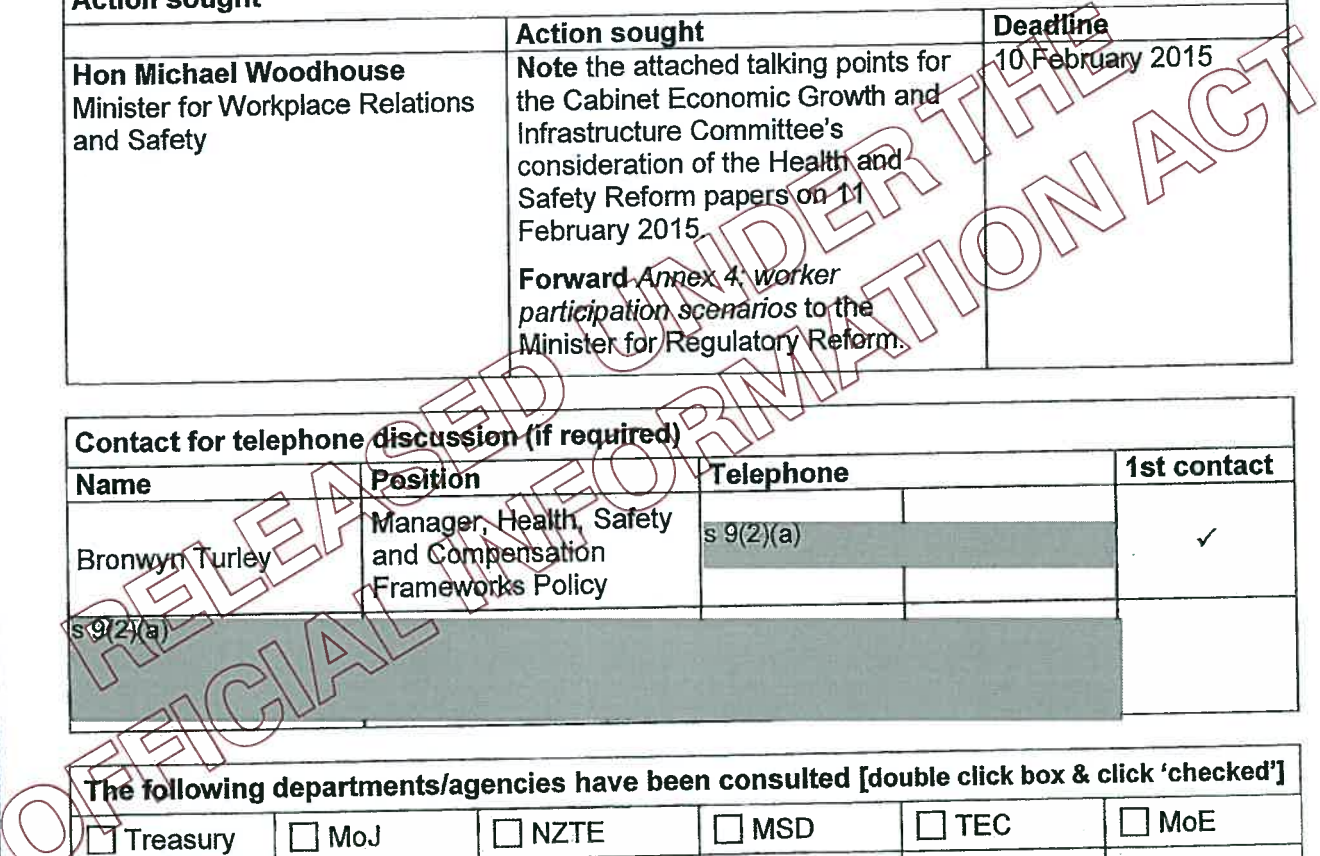
Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister for Workplace Relations and Safety	Note the attached talking points for the Cabinet Economic Growth and Infrastructure Committee's consideration of the Health and Safety Reform papers on 11 February 2015. Forward Annex 4: worker participation scenarios to the Minister for Regulatory Reform.	10 February 2015

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Bronwyn Turley	Manager, Health, Safety and Compensation Frameworks Policy	s 9(2)(a)	✓
s 9(2)(a)			

The following departments/agencies have been consulted [double click box & click 'checked']					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MFE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:			N/A		

- Minister's office to complete:**
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| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments:



BRIEFING

Health and Safety Reform: Cabinet Committee Talking Points

Date:	10 February 2015	Priority:	High
Security classification:	In Confidence	Tracking number:	1772 14-15

Purpose

This paper provides you with talking points for the Cabinet Economic Growth and Infrastructure Committee's consideration of the following papers on 11 February 2015:

- Proposals to improve the Health and Safety Reform Bill
- Policy decisions for regulations to support the new Health and Safety at Work Act:
 - Paper A: Phase one regulation matters of process and content
 - Paper B: Specific regulatory matters

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** the attached talking points for the Cabinet Economic Growth and Infrastructure Committee's consideration of the Health and Safety Reform papers on 11 February 2015

Noted

- b **Forward Annex 4: worker participation scenarios** to the Minister for Regulatory Reform

Agree / Disagree

Bronwyn Turley
Manager, Health, Safety and Compensation
Frameworks Policy
Labour and Commercial Environment Group,
MBIE

10 / 2 / 15
..... / /

Hon Michael Woodhouse
Minister for Workplace Relations and
Safety

..... / /

Background

1. This paper provides you with talking points for the Cabinet Economic Growth and Infrastructure Committee's consideration of the following papers on 11 February 2015:
 - a. Proposals to improve the Health and Safety Reform Bill
 - b. Policy decisions for regulations to support the new Health and Safety at Work Act:
 - i. Paper A: Phase one regulation matters of process and content
 - ii. Paper B: Specific regulatory matters
2. These talking points and background material are attached as annexes to this paper.
3. We recommend you forward *Annex 4: worker participation scenarios* to the Minister for Regulatory Reform:

Annexes

Annex 1: Talking points – Health and Safety Reform Cabinet Papers
Out of scope

Annex 3: Worker participation talking points

Annex 4: Worker participation scenarios - Health and Safety Reform Bill
Out of scope

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Annex one: Talking points - Health and Safety Reform Cabinet Papers

Out of scope



The Health and Safety Reform Bill – proposals for change

Out of scope



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Ensuring flexibility in worker participation

- The changes clarify that a PCBU only needs to have participation practices which cover their own workers, not workers of other PCBUs.
- The changes also provide greater clarity that a business can develop its own practices to meet the general duties in the Bill.
- The changes introduce more flexibility, if workers seek to have health and safety committees a PCBU can decline to do so if they already have other effective practices.
- If workers seek to have a health and safety representative, a PCBU will not be required to put these in place if it has five or less workers and operates in a low-risk sector.

- My officials consulted with Business New Zealand, the Council of Trade Unions and the Health and Safety Business Leaders' Forum on these changes. BNZ and the BLF are comfortable with the changes proposed.
- While the CTU's preference is for a more prescriptive model, it supports the retention of a worker trigger for health and safety representatives for most businesses.
- [Further talking points on the worker participation proposals and scenarios for different types of businesses are outlined in Annexes 3 and 4.]

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Policy decisions for regulations to support the new Health and Safety at Work Act

General messages (to cover both papers) – an empty Act without supporting regulations

- Regulations are needed to support the new Health and Safety at Work Act
- Successful implementation of the new Act is contingent on regulation being in place when the new Act comes into force
- Without regulation, duty holders are left to guess what is required to meet the general duties of the Act in particular circumstances or in relation to particular hazards
- The Royal Commission and the Taskforce both heavily criticised the current regime for never having implemented effective and complete regulations to provide the necessary clarity for duty holders
- Our current regulations lack a coherent logical structure, are weak and outdated and contain gaps
- In line with recommendations from the Taskforce, the Australian Model Work Health and Safety Regulations formed the starting point for the development process, but these regulatory proposals are relevant to the NZ environment
- We simply cannot afford to repeat the mistakes of the past, regulations are needed to ensure that the regime works effectively and efficiently.

Messages specific to Paper A

- Given the volume of work and policy decisions to be made, the two-phased approach to regulation development has been strongly supported
- Regulations recently made under the Health and Safety in Employment Act covering the mining, petroleum and adventure activity sectors are to be transferred into the new regime with only the necessary amendments to align language and concepts. There will be an opportunity in the second phase to make further improvements to those regulations if necessary
- The detail of offences and penalties, infringement offences and fees, transitional arrangements and the exemption process by the regulator require further testing with stakeholders
- Exposure draft processes for the regulations are therefore critical to enable further consultation in order to get the requirements right before final policy decisions are made
- Consultation on other fees in regulation will occur separately, and I will come back to Cabinet to seek approval for that process in April
- My officials have worked constructively with NZDF to ensure the regulatory requirements are workable in a military context.

Messages specific to Paper B

Five areas of regulation

- Cabinet has already made high-level decisions about the regulation of worker participation, work involving hazardous substances and major hazard facilities. The proposals in this paper build on previous decisions
- The other two areas of regulation covered in the paper are general risk and workplace management and work involving asbestos
- My officials consulted on regulatory proposals in May last year. Stakeholders provided valuable feedback which has informed these decisions now being sought. Other matters need further testing through the exposure draft process before final decisions are sought in June or July.

General risk and workplace management

- General risk and workplace management regulations provide the foundation for the new Act. The proposals focus on providing and maintaining safe working environments with safe systems of work, and setting minimum standards. They enable compliance with the primary duty of care
- I'm seeking to strike the right balance between those duty holders not currently doing enough to ensure the health and safety of their workers, and those who are adding unnecessary cost into their businesses through being overly cautious
- The majority of proposals are a continuation of current requirements with increased clarity and detail
- A key feature is the establishment of a prescribed risk management process to be applied by regulation to specified risks or situations – this allows duty holders to 'cut to the chase' and use an obvious and widely-accepted method of control rather than having to follow a fixed process for little benefit. The focus is on action rather than process. Clear information and guidance will support duty holders adapt to this new proposal
- Other significant areas of change that were highlighted during the consultation process are:
 - The removal of provisions covering accommodation and facilities for agricultural workers – the Bill ensures provides for adequate worker accommodation regardless of sector
 - Emergency plans and provisions for remote or isolated work – which must be fit-for-purpose and suit the business' circumstances
 - Health monitoring of workers who may be exposed to substances hazardous to their health. The need for better occupational health outcomes merits such a requirement

Worker participation

- The proposals for these regulations are aligned with and flow on from decisions to improve Part 3 of the Bill sought in the Cabinet paper Proposals to improve the Health and Safety Reform Bill
- These regulations will only apply to businesses that use health and safety reps and/or committees as a way of meeting the duties to engage with workers on health and safety matters
- Of the 472,600 businesses in New Zealand, nearly 70% have no employees at all. About a third have 19 or fewer employees, leaving 13,560 larger businesses employing 20 or more workers
- It is likely that more formal methods of worker participation (such as having reps or committees) will be chosen by workers or the PCBU in these larger businesses
- The regulations outline procedural requirements such as who can be a health and safety representative, the process by which they become a representative, and the training needed in order to exercise the full range of a representative's powers. This is critical to ensuring that this type of worker participation works as intended.

Asbestos

- These regulations aim to reduce the long-term burden of asbestos-related disease by strengthening existing duties, processes and standards – this is necessary and timely, especially given the ongoing Canterbury rebuild. Any burden of the rules and their enforcement is proportionate to the benefits that are expected to result
- There are two key requirements:
- That work with asbestos is prohibited unless it is authorised and meets requirements of regulations

- That people's exposure to airborne asbestos in a workplace is eliminated to the extent that is reasonably practicable
- A proposed asbestos register addresses the issue of the incidence and location of asbestos in the built environment not being clear. An asbestos register that identifies existing asbestos in workplaces will enable people to more effectively manage asbestos-related health risks, but I consider a transitional requirement will be necessary to manage the additional cost for business. There has been clear support for this requirement and even though residential premises are excluded, the requirements for working in or on residential premises will provide adequate coverage
- Proposals also include strengthened licensing and competency requirements for asbestos removal and tighter controls on asbestos-related work - these broadly align with those in Australia. The proposals are well supported by stakeholders and are achievable but a transitional period needs to allow for the development of training and infrastructure.

Hazardous substances

- The consolidation of the many regulatory instruments that set the requirements for work involving hazardous substances from the Hazardous Substances and New Organisms Act into the new regime will provide increased certainty and ease of compliance
- As noted in Paper A, these regulations will take longer to develop than the rest of the phase one regulations, and are more likely to come into force mid next year
- Levels of knowledge about and compliance with the current regime are very low
- Minor and/or technical changes will be made to the existing requirements in order to simplify them in the short term but a review will be carried out within two years of the regulations coming into force
- The proposals codify existing good practice and the first step is preparing and maintaining an inventory.

Major hazard facilities

- The Taskforce recommended that New Zealand needed a stronger regulatory regime for managing the risks of facilities with major accident potential
- The proposed regulations establish a notification and designation regime for high hazard facilities - they outline upper and lower site thresholds for particular substances, and set different regulatory requirements for businesses based on which thresholds are met
- The proposals reflect international best practice in a manner that fits with our business and legislative environment
- There is overall acceptance by industry - many businesses already have systems in place to prevent a major accident and consider the proposals a necessary part of their risk management procedures
- As noted in Paper A, agreement to consult on fees to cover the cost of regulating these facilities will be sought in April.

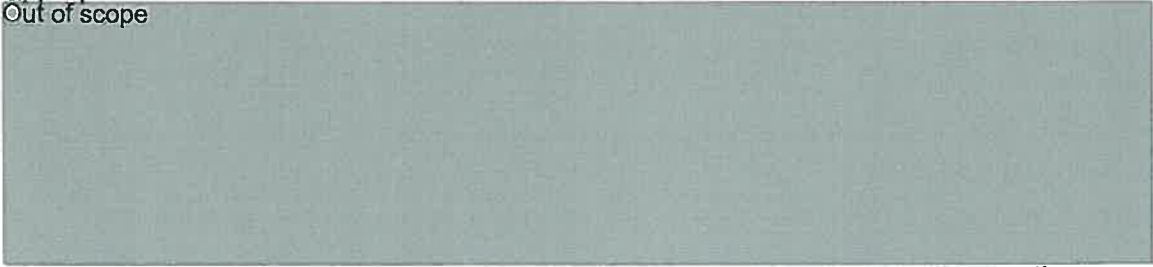
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Annex 3: Worker participation talking points

- Based on the Independent Taskforce's recommendations, the Bill is intended to make real change to strengthen worker participation. I believe that the Bill's general approach is to worker participation is right, but some changes are necessary to ensure it is as flexible as we intended.
- The Bill adapts the Australian Model Law for New Zealand to:
 - strengthen the obligations on PCBUs to support worker participation
 - give workers' health and safety representatives more visibility and power – with appropriate checks and balances on the power, and
 - give stronger protection to workers who raise health and safety matters.
- While submitters have generally supported the intention to strengthen worker participation, many businesses saw this part of the Bill as too detailed, and unclear in places. Union submitters wanted greater prescription, and fewer checks and balances on health and safety representatives.
- I propose to clarify that PCBUs' worker participation duties only apply to their own workers, not workers who might be influenced or affected by the PCBU's work. This is narrower than the primary duty of care, otherwise, as a number of submitters told the Select Committee, it's simply be unreasonable and costly and extends the concept beyond what a PCBU can realistically influence.
- I propose to give PCBUs who already have effective practices the ability to decline to have a health and safety committee if 5 or more of their workers request one. Committees are only one effective practice, and I think this is an area where we can encourage flexibility and innovation.
- I propose to clarify the situation where one or more workers requests health and safety representatives.
- The Taskforce was absolutely clear on this – workers need the ability to trigger a more formal approach – a trained response to dangerous activity - if they feel they are not adequately supported to speak up about health and safety matters. We know this was a problem at Pike River, and it's not just mining, as we know from the Forestry Review Panel.
- I thought about raising the trigger threshold, but this doesn't work. A worker with a genuine concern about the ability to raise health and safety issues shouldn't have to lobby other workers to put forward a request.
- I don't believe it is onerous to have health and safety representatives in most cases – a training entitlement for a representative of 2-days per year, at an estimated average cost of \$800, with time to perform their role, and the ability to exercise powers (bounded by appropriate limitations).
- Out of scope
- 
- Despite supporting health and safety representatives, I am sympathetic to whether the benefit outweighs the cost for small businesses. I am therefore proposing an exclusion (if workers request representatives) for low risk businesses with 1-5 workers (who comprise 97,366 micro businesses - 20% of all businesses). Low risk will be prescribed in regulations.

Out of scope

-



- My proposals have been canvassed with Business New Zealand, the NZ Council of Trade Unions and the Health and Safety Business Leaders' Forum. All are broadly comfortable with the revised proposal.

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Annex 4: Worker participation scenarios - Health and Safety Reform Bill

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Health and Safety legislation: Worker Participation Scenarios

Health and Safety in Employment Act 1992

Businesses with 1-29 employees

General duty to involve employees in health and safety matters

If one or more employees request an employee participation system, the employer, employees, and union must agree to and implement an employee participation system

If there is no agreement within six months, an election must be held for at least one health and safety representative

Health and Safety Reform Bill

Businesses with 1-5 workers in a low-risk industry (as detailed in regulations)

Overarching duties to engage with workers and have effective worker participation practices

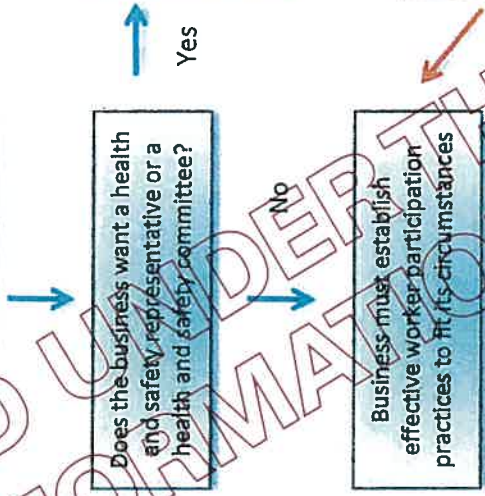
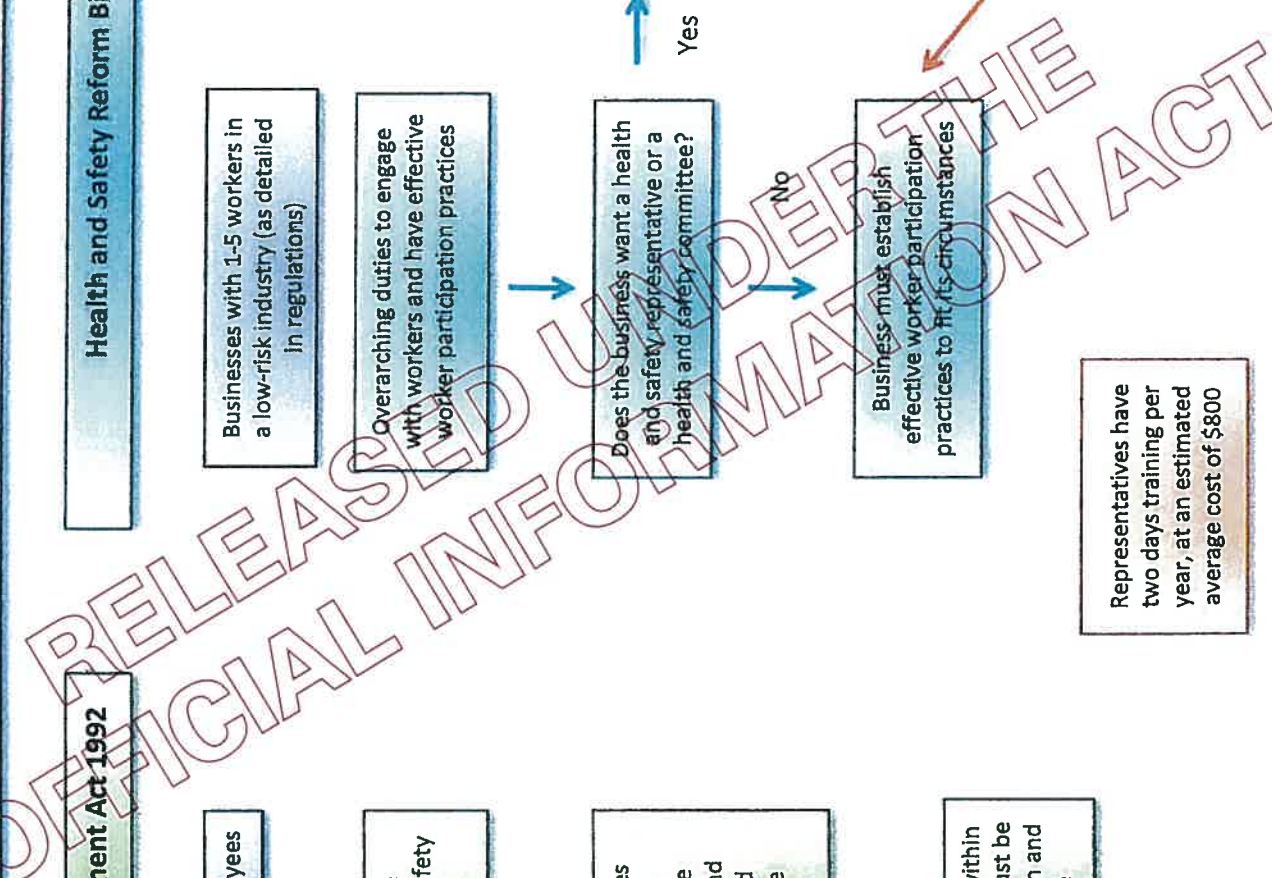
Does the business want a health and safety representative or a health and safety committee?

Business must establish effective worker participation practices to fit its circumstances

The business follows the legislative requirements for representatives and committees

WorkSafe New Zealand provides guidance on effective worker participation practices

Representatives have two days training per year, at an estimated average cost of \$800



Health and Safety in Employment Act

Businesses with 30+ employees

General duty to involve employees in health and safety matters

The employer, employees, and union must agree to, and implement, an employment participation system

If there is no agreement within six months, then:

A committee must be established with half of its members consisting of health and safety representatives

An election must be held for at least one health and safety representative

Health and Safety Reform Bill

Businesses with 1-5 workers in a high risk-industry (as detailed in regulations) or businesses with 6+ workers

Overarching duties to:
Engage with workers on health and safety matters
Have effective worker participation practices

Business must establish effective worker participation practices to fit its circumstances

WorkSafe New Zealand provides guidance on effective worker participation practices

The business can transition its existing representatives, work groups, or committee; government funding will assist with transition training

A worker can request the election of a representative or the business can initiate an election

A representative or five workers can request the establishment of a committee

The business follows the legislative requirements for representatives

The business can establish a committee, following the legislative requirements

The business can retain existing practices if these are effective

or

Representatives have two days training per year, at an estimated average cost of \$800

Out of scope

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Bronwyn Turley

From: s 9(2)(a)
Sent: Tuesday, 10 February 2015 9:43 a.m.
To: s 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley
Subject: Worker Participation Flow Chart [IN-CONFIDENCE]
Attachments: Worker Participation Flow Chart.docx

hi s 9(2)(a)

here's the worker participation diagram electronically if you need more copies.

cheers

s 9(2)(a)

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Health and Safety legislation: Worker Participation Scenarios

Health and Safety in Employment Act 1992

Businesses with 1-29 employees

General duty to involve employees in health and safety matters

If one or more employees request an employee participation system, the employer, employees, and union must agree to and implement an employee participation system

If there is no agreement within six months, an election must be held for at least one health and safety representative

Health and Safety Reform Bill

Businesses with 1-5 workers in a low-risk industry (as detailed in regulations)

Overarching duties to engage with workers and have effective worker participation practices

Does the business want a health and safety representative or a health and safety committee?

Yes

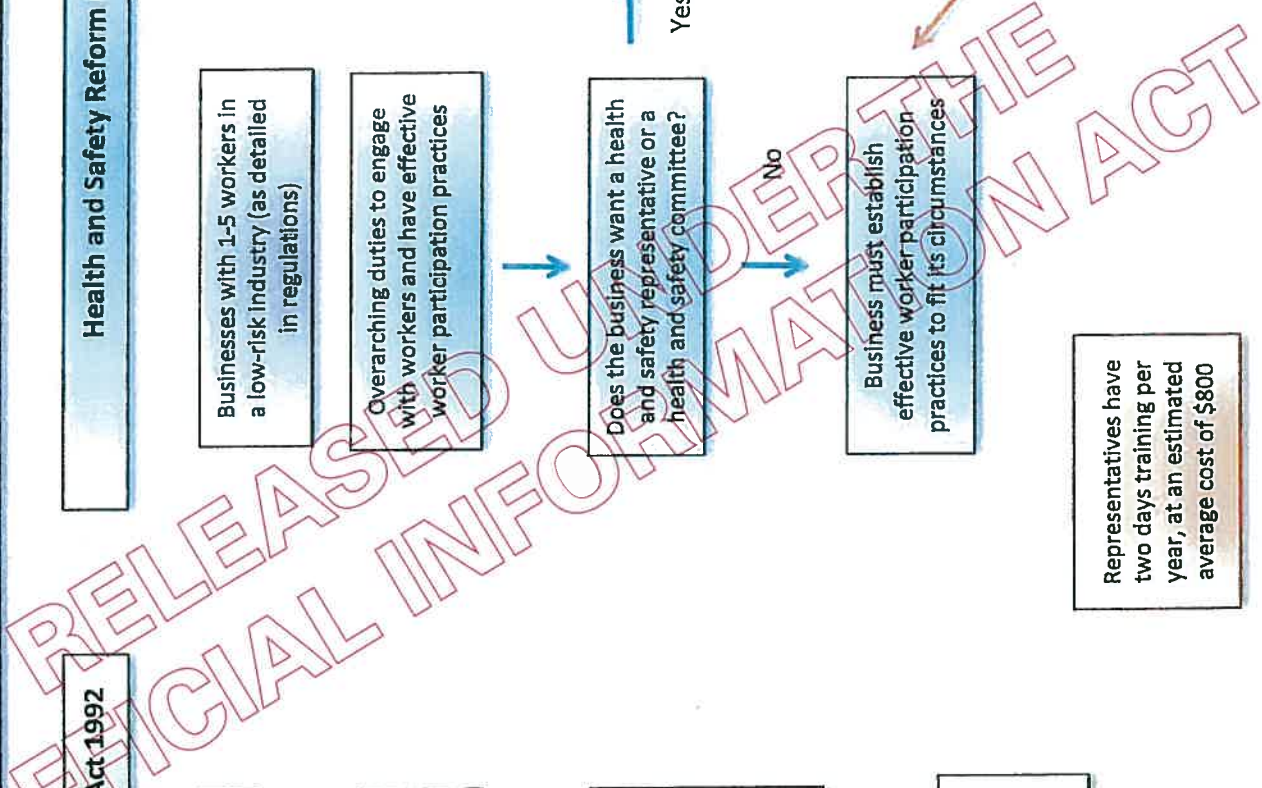
The business follows the legislative requirements for representatives and committees

WorkSafe New Zealand provides guidance on effective worker participation practices

No

Business must establish effective worker participation practices to fit its circumstances

Representatives have two days training per year, at an estimated average cost of \$800



Health and Safety in Employment Act

Businesses with 30+ employees

General duty to involve employees in health and safety matters

The employer, employees, and union must agree to, and implement, an employment participation system

If there is no agreement within six months, then:

A committee must be established with half of its members consisting of health and safety representatives

An election must be held for at least one health and safety representative

Health and Safety Reform Bill

Businesses with 1-5 workers in a high risk-industry (as detailed in regulations) or businesses with 6+ workers

Overarching duties to:
Engage with workers on health and safety matters
Have effective worker participation practices

Business must establish effective worker participation practices to fit its circumstances

The business can transition its existing representatives, work groups, or committee; government funding will assist with transition training

WorkSafe New Zealand provides guidance on effective worker participation practices

A worker can request the election of a representative or the business can initiate an election

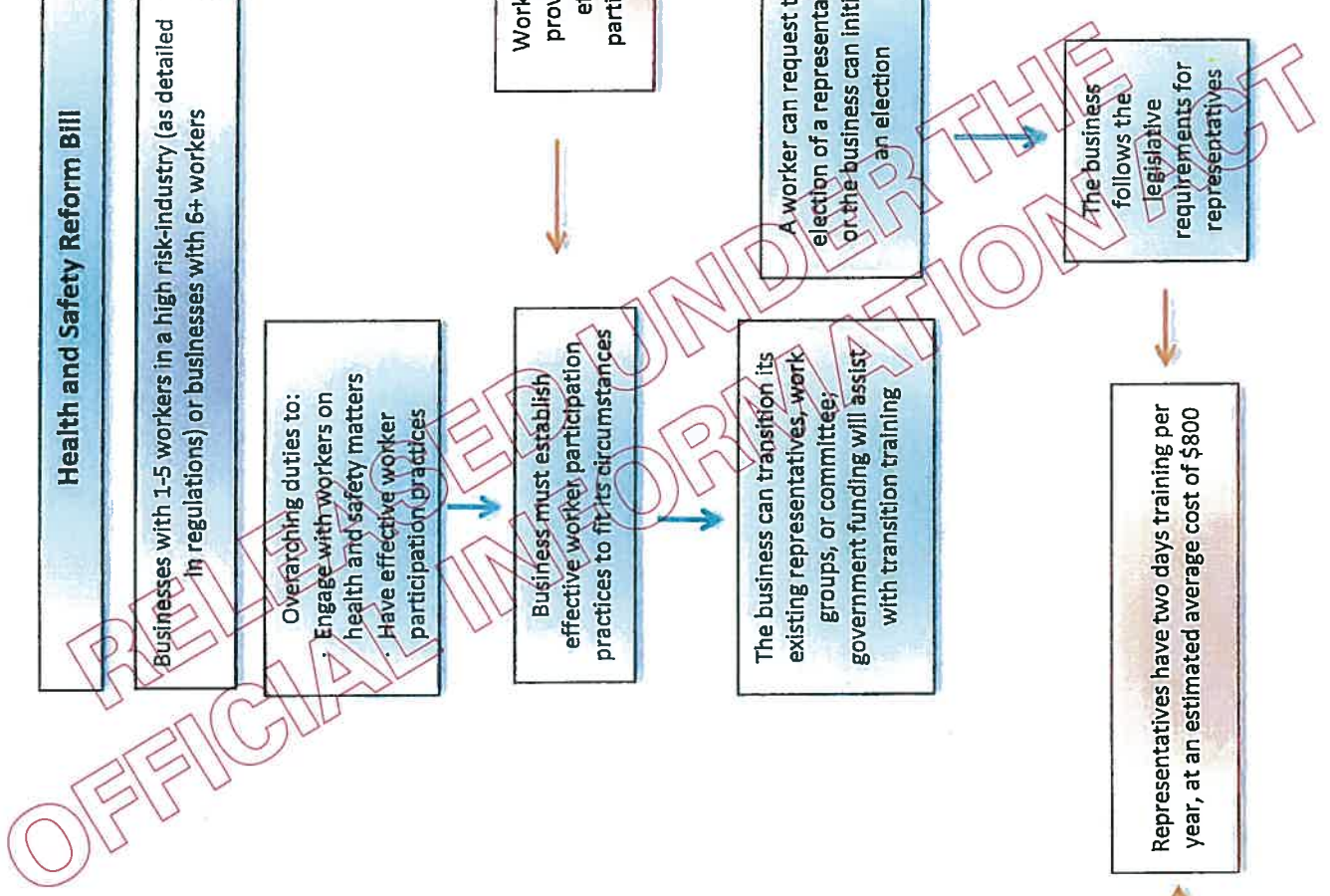
A representative or five workers can request the establishment of a committee

The business follows the legislative requirements for representatives

The business can establish a committee, following the legislative requirements

Representatives have two days training per year, at an estimated average cost of \$800

The business can retain existing practices if these are effective



Bronwyn Turley

From: Bronwyn Turley
Sent: Monday, 23 February 2015 8:21 a.m.
To: § 9(2)(a) @parliament.govt.nz
Cc: § 9(2)(a)
Subject: one-pagers for this morning's meeting [UNCLASSIFIED]
Attachments: SME threshold.docx; Treatment of volunteers.docx

Hi § 9(2)(a)

Attached are two one-pagers that we'll use this morning at the Min's meeting to discuss the SME threshold and volunteers (there are options for where we go on these). The other info. is all coming together and will be over by midday.

Cheers.

Bronwyn.

Bronwyn Turley

Manager, Health, Safety and Compensation Frameworks
Labour Environment Branch
Ministry of Business, Innovation and Employment
15 Stout St, Wellington 6140

Ph: +64 § 9(2)(a)

Mobile: § 9(2)(a)

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Small Business exclusion from HSRs if requested by worker

Indicative numbers and profiles for small business exclusion from HSRs if requested by worker¹

Businesses by size	Estimated low risk businesses and proportion of employees			
	Businesses covered by exclusion		Employees covered by exclusion	
	No.	% of businesses covered	No.	% of total NZ employees
Owner/operator	248,582	51%	NA	
1-5 employees	310,425	64%	146,390	7%
1-10 employees	324,601	67%	248,960	12%
1-20 employees	336,289	69%	405,060	20%
Total for all businesses	487,875		Approx. 2 million	

Trade-offs

- There are costs to the business of having a Health and Safety Representative. These include the cost of training (approximately \$800 per representative, per year of their term), time for training, time for the role, and administration.
- For many businesses, giving workers the choice to be represented by trained fellow workers is likely to be an effective way to support workers to be heard and involved in health and safety matters. Having health and safety representatives is recognised in many jurisdictions as an accepted and effective way to facilitate worker participation in health and safety.
- Health and safety representatives will be a more effective mechanism for worker participation where the business is larger, and the workforce is outside the business operator's "span of control", so direct relationships are less likely.
- For high-risk businesses, a more formal system, including representatives when they are sought, is likely to be needed to ensure that risks are effectively identified by workers and managed.

¹ Source: Statistics New Zealand Business Demographics survey data, enterprises by employee count size and industry 2014. The data is indicative only, because we only have data on employees, not workers, and we are estimating low risk. To model low risk, we have excluded businesses in the Australia New Zealand Standard Industry Classification (ANZSIC) that correspond to sectors prioritised as higher risk by WorkSafe NZ, ie: sectors with the risk of catastrophic harm to multiple workers – extractives (mining), petroleum, geothermal, and energy, and sectors with a higher risk of injury and illness to individual workers – agriculture, forestry, construction, manufacturing.

s 9(2)(a)

From: s 9(2)(a)
Sent: Thursday, 26 February 2015 5:04 p.m.
To: s 9(2)(a) [Minister's
Cc: Bronwyn Turley; s 9(2)(a) Kelly Hanson-White
Subject: Revised supplementary material and Cabinet paper on HSR Bill [IN-CONFIDENCE]
Attachments: Cab EGI Paper HS Reform Bill Additional Decisions Feb 2015.docx; Supplementary information Health and Safety Reform Bill.docx

hi s 9(2)(a)

Please find attached the revised documents as promised. Thanks again for the extra time today for these.

Out of scope

Please note that an area we've changed that we didn't get to talk to you about yesterday, is extending the small low risk business exclusion of 20 workers to the health and safety committees as well. Once the H&S rep trigger threshold was raised from 5 workers to 20, it didn't make sense to not have the same exclusion for committees. Hope that make sense.

I'm away tomorrow – so please come back to Bronwyn with any changes, many thanks.

kind regards

s 9(2)(a)

s 9(2)(a)

PRINCIPAL POLICY ADVISOR

Labour Environment & Health, Safety and Compensation Frameworks Policy team
Ministry of Business, Innovation & Employment (MBIE)

[SS-03-20-05]



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s 9(2)(a)

From: s 9(2)(a) MBIE
Sent: Monday, 29 June 2015 4:34 p.m.
To: s 9(2)(a) @parliament.govt.nz
Cc: s 9(2)(a)
Subject: Small Business Information [IN-CONFIDENCE]
Attachments: SMB Information for Ministers for meeting 30 June 2015.docx

Hi s 9(2)(a)

Please see attached the small business information you discussed with Kelly.

Cheers

s 9(2)(a)

SENIOR POLICY ADVISOR

Labour Environment | Health, Safety and Compensation Frameworks Policy team
Ministry of Business, Innovation & Employment (MBIE)



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUNI



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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Tuesday, 4 August 2015 5:45 p.m.
To: s 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley; s 9(2)(a)
s 9(2)(a) Joanne Hughes
Subject: High risk industry guidance for House [IN-CONFIDENCE]
Attachments: High risk industry guidance for House.docx

Hi Tom

I promised s 9(2)(a) before she went away that we'd send over by COP today a draft of the 'high risk industry' guidance for the Minister to have a look at when he's back in the office tomorrow. I haven't yet had feedback from everyone here so there could still be further finessing of the messages to come, but wanted to send it through to you as draft anyway in the meantime (and I'm keen to go home soon!).

Will check in with you in the morning to see if there are any questions or concerns, or you can just flick me an email.

Cheers
Kelly

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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Wednesday, 5 August 2015 6:04 p.m.
To: s 9(2)(a) [Minister's Office]
Cc: s 9(2)(a) Bronwyn Turley; s 9(2)(a)
s 9(2)(a)
Subject: further information for Minister showing level 3 ANZSIC analysis [IN-CONFIDENCE]
Attachments: Table of Level 3 ANZSIC Data Informing Industry Risk Assessment.xlsx

Hi s 9(2)(a)

As discussed, here is what we've managed to pull together to satisfy the Minister's request for the more detailed data sitting behind the higher level draft guidance for the House we provided yesterday. It still needs to be double checked and queried with WorkSafe NZ so we'll get back to you again prior to Friday lunchtime with a final for the Minister.

We've basically shown the numbers (where possible) informing each of the four risk criteria for every sector at level 3. We've also colour shaded that data to provide a quick visual representation of statistics that are at the 'high end' compared across other types of work. Hopefully it does the business, but any comment you have most welcome.

Cheers
Kelly

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group
Ministry of Business, Innovation & Employment (MBIE)
[SS-03-21-03]



kelly.hanson-white@mbie.govt.nz | Telephone: +64 s 9(2)(a)
15 Stout Street | PO Box 1473 | Wellington 6140 | Aotearoa

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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Friday, 7 August 2015 12:27 p.m.
To: s 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley; s 9(2)(a)
s 9(2)(a) [WorkSafe NZ]
Subject: information about industry risk for Minister's consideration [IN-CONFIDENCE]
Attachments: More detailed sector risk analysis data for Minister 070815.xlsx; ACC Work Account Risk Ranking from 2015 ACC Work Account Levy Regulations.xlsx; High risk industry guidance for House.docx

Hi s 9(2)(a)

Please find attached:

1. guidance on industry risk for the Minister to consider tabling in the House
2. more detailed analysis (at ANZSIC level 3) for the Minister's information
3. information about ACC's classification units for levy risk rating, as requested yesterday. Note that the average ACC levy is 59 cents, so every classification unit with a levy rate higher than that could be said to present a higher than usual risk of injury to its workers.

In an ideal world, there would be an accompanying briefing with these documents but that's just not do-able - sorry. But I will get single-sided hard copies of all three documents sent over to you asap.

In lieu of a briefing, my key takeout messages in respect of number 2 above (the more detailed level 3 analysis) would be:

- it's really important to look at the table in light of the explanatory notes – print out the entire workbook, not just the data worksheet
- confidence in the accuracy of data analysis and conclusions based on that analysis weakens significantly when information is broken down to lower levels of detail (as with ANZSIC level 3), because the sample sizes are smaller. You will see that isolated 'pockets' of higher and lower risk sectors emerge in the level 3 analysis compared to the level 2. For example two sectors (orchards and nurseries) within Agriculture and three (knitted products, clothing/footwear, recorded media) within Manufacturing are not showing up on any of the four risk factors, unlike all the other sectors in those industries. And in the Information, media and telecommunication industry (generally low risk), TV broadcasting and the motion picture industry each trigger just one indicator (broadcasting alarmingly so for fatality risk). Can meaning be extracted from these particular results? Only with extreme caution, because there is no way to know whether or not these are actual effects, or outliers created by trying to break down the data into very small pieces. And that is why our advice is that the main value of data analysis at level 3 is informing the categorisation of industry risk at level 2 – this data should not be relied upon to stand alone as an accurate categorisation of risk.
- it is also worth bearing in mind that the severe injury risk is solely calculated off approved ACC entitlement claims for worker compensation. In some industries such as Agriculture, there is evidence of a strong bias against making such claims and this will have an effect on the reliability of any analysis using that data. This excerpt comes from 2009 research by the University of Otago (which involved in-depth interviews with farmers):

With respect to injury, thirteen percent (13%) of farmers from the AgriBase™ sample had had an injury, in the three months prior to interview, which had restricted their activity for a half a day or more and/or which required medical treatment from a health professional. Generally these injuries were reasonably serious and respondents reported work capacity was poor following injury. For two-thirds of those injured it was over a week before they could resume normal farming duties; yet only a third of these respondents made a claim to the Accident Compensation Corporation.

Please let me know if you have any questions or need anything further. We will be available to talk directly to the Minister at our regular Monday morning meeting about the documents if he wishes.

Kind regards
Kelly

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group
Ministry of Business, Innovation & Employment (MBIE)
[SS-03-21-03]



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Guidance to the House

1. During the second reading debate, I committed to providing the House with guidance to inform its deliberation on the Bill at the Committee of the Whole stage – particularly in respect of the amendment proposed by the Select Committee to exclude small, low-risk businesses from having to adopt formal methods of worker representation (health and safety committees or representatives) when requested by workers.
2. This information allows Members to see what is involved in ranking industries by the level of work health and safety risk, and the relative results. But it is important to note that setting a risk-based threshold in regulation for the particular purpose of defining the scope of this exclusion will require further testing of this analysis by stakeholders, and consideration to be given to factors other than the analysis outlined in this guidance. Businesses will have to self-identify as being either high or low risk in order to know if the exclusion in the Bill applies or not – so the eventual list of industries prescribed in the regulations needs to be as simple and intuitive as possible, while ensuring the scope of the exclusion is appropriate. Similarly, little is gained by specifying an industry as high risk for this purpose when the work of the industry is exclusively carried out by large businesses with more than 20 workers.

What constitutes a 'high-risk' industry?

3. The term 'high-risk', as commonly understood, is used to describe a particular thing (e.g. person, population, business, activity, or sector) with a greater than usual chance of a particular poor outcome (e.g. heart disease, abuse, financial loss, accident, or loan default).
4. Within the context of work health and safety therefore, a 'high risk industry' is one *where the work of the industry carries a greater than usual risk of death, serious injury, or serious illness to its workers, when compared across all other types of work.*
5. Quantifying work-related health and safety risk at an industry level is not always straightforward for a variety of reasons. Consideration of both 'hard' and 'soft' data is necessary in order to make the most accurate determination in this regard. Four key risk indicators have formed the basis of the analysis in this document:
 - a. any fatalities occurring to workers between January 2008 and December 2013
 - b. the rates of severe injuries to workers occurring between January 2008 and December 2013. This rate takes into account both the number of workers in an industry and the frequency of accidents occurring (calculated from annual injury statistics), so that meaningful comparisons can be made between different sized industries
 - c. known occupational health risks and exposures involved in the particular work processes. This is necessarily a subjective analysis, due to the lack of reliable hard data about the actual occurrence of occupational disease, but is well-informed by literature and research; and
 - d. the potential for catastrophic harm, a single event causing multiple fatalities. This additional criterion is necessary in order to take account of low-frequency but high-consequence events that can occur in some industries (such as petroleum and mining) that may otherwise not have particularly high rates of injury.

International comparison

6. Many other international jurisdictions identify high risk industries using criteria similar to those outlined above, but more commonly for the purpose of targeting information, intervention, regulator resource or enforcement action. Few jurisdictions use an explicit risk threshold to place differential legal requirements on businesses.

One particular exception is the worker compensation legislation in Queensland, where businesses operating in specified high risk industries are required to appoint a rehabilitation co-ordinator to assist injured workers.

7. While the risk rating process of each jurisdiction can result in minor variations, strong commonalities emerge – construction, manufacturing, and agriculture are consistently represented in any country's assessment of its high risk industries. Mining, forestry and fishing also usually appear whenever those industries are present in that jurisdiction.

What is the risk profile of NZ industries?

8. The Australia New Zealand Standard Industry Classification (ANZSIC) system is used to compile and analyse official industry statistics, and consists of four levels of industry descriptors. Each level provides a more detailed breakdown of the type of activity within an industry than the one that precedes it, as illustrated in Table 1.

Table 1: Description and example of ANZSIC code levels

Level 1 ANZSIC	Level 2 ANZSIC	Level 3 ANZSIC	Level 4 ANZSIC
19 alphabetic codes describing macro-industries, e.g:	96 alphanumeric codes describing industries, e.g:	214 alphanumeric codes describing industry sectors, e.g:	506 alphanumeric codes describing industry sub-sectors, e.g:
A Agriculture, Forestry and Fishing	A01 Agriculture	A011 Nursery and Floriculture Production	A011100 Nursery Production (Under Cover)

9. MBIE and WorkSafe NZ officials have worked together to apply the key risk indicators outlined in paragraph 5 of this document to New Zealand industry sectors. Sector data at level 3 ANZSIC was analysed, and the results aggregated up to provide an overall industry ranking for level 2 ANZSIC.
10. The analysis was not a matter of simple mathematics, and the criteria were not given equal weighting. Rather, officials looked at where clusters or patterns of criteria are present in an industry, as well as matters of degree and scale (e.g. whether the risk factors are isolated or confined to one particular sector, or widespread across all sectors) to assign an overall ranking.
11. Table 2 overleaf provides a 'league table' of industry risk based on this analysis for members' consideration, alongside the estimated number of small businesses in that industry and demographic data showing the number of employees in small businesses (i.e. those with 1-19 employees).
12. I cannot pre-empt the upcoming public consultation process on the exposure draft of the worker participation regulations by stating which or how many of the industries in Table 2 may ultimately be prescribed as high risk. But I consider regulations are the appropriate mechanism for this kind of threshold to be set, as we need to be able to update the list of industries if things change over time, to ensure the right types of businesses are covered (or not) by the exclusion. There is a statutory requirement in the Bill for affected parties to be consulted before regulations can be made, and the Regulations Review Committee provides a mechanism for wider Parliamentary scrutiny.
13. I expect the exposure draft of the regulations to be ready for public release within the next few weeks, and there will be a period of at least four weeks for people to provide comment. The regulations will be made in time to come into force alongside the new Act, to support and give effect to the Bill's worker participation provisions.

Table 2: Rating of work health and safety risk of NZ industries at ANZSIC level 2

KEY	
A score of ...	signifies...
1	a consistent pattern of fatalities, a higher than average rate of severe injuries, and known occupational health risks across most or all of the sectors (or alternatively, a risk of catastrophic harm exist and the industry was not otherwise rated as 1))
2	a higher than average rate of severe injuries, and known occupational health risks across most or all of the sectors
3	some fatalities, a higher than average rate of severe injuries and known occupational health risks are present in some, but not all, the sectors
4	isolated incidents including fatalities across sectors
5	isolated incidents across sectors
6	no data available (but likely to be very low risk)

Risk Rank	ANZSIC Industry Code	Industry Name (Level 2 ANZSIC)	Est.# 1-19 businesses in Industry	# employees in 1-19 businesses in Industry
1	A01	Agriculture	16,689	58,040
1	A02	Aquaculture	77	245
1	A03	Forestry and Logging	1,298	2,800
1	A04	Fishing, Hunting and Trapping	423.6	810
1	B06	Coal Mining	8	94
1	B07	Oil and Gas Extraction	15	15
1	B08	Metal Ore Mining	32	120
1	B10	Exploration and Other Mining Support Services	90	220
1	C11	Food Product Manufacturing	1,259	8,139
1	C14	Wood Product Manufacturing	780	4,770
1	C15	Pulp, Paper and Converted Paper Product Manufacturing	42	89
1	C17	Petroleum and Coal Product Manufacturing	16	63
1	C19	Polymer Product and Rubber Product Manufacturing	303	2,110
1	C22	Fabricated Metal Product Manufacturing	1,278	8,824
1	C25	Furniture and Other Manufacturing	1,036	4,270
1	D26	Electricity Supply	55	145
1	D27	Gas Supply	3	18
1	D28	Water Supply, Sewerage and Drainage Services	54	130
1	D29	Waste Collection, Treatment and Disposal Services	267	1,360
1	E30	Building Construction	6,052	18,230
1	E32	Construction Services	10,828	45,130
3	I46	Road Transport	2,281	10,270
1	I47	Rail Transport	2	0
1	I48	Water Transport	52	200
1	I49	Air and Space Transport	93	520
1	I52	Transport Support Services	345	2,365
1	I53	Warehousing and Storage Services	139	940
1	R91	Sport and Recreation Activities	1,767	10,160
2	A05	Agriculture, Forestry and Fishing Support Services	1,859	9,920
2	B09	Non-Metallic Mineral Mining and Quarrying	65	540

Risk Rank	ANZSIC Industry Code	Industry Name (Level 2 ANZSIC)	Est.# 1-19 businesses in Industry	# employees in 1-19 businesses in Industry
2	C13	Textile, Leather, Clothing and Footwear Manufacturing	684	3,378
2	C18	Basic Chemical and Chemical Product Manufacturing	226	1,323
2	C20	Non-Metallic Mineral Product Manufacturing	327	1,910
2	C21	Primary Metal and Metal Product Manufacturing	103	425
2	E31	Heavy and Civil Engineering Construction	520	3,680
3	C23	Transport Equipment Manufacturing	681	3,140
3	C24	Machinery and Equipment Manufacturing	1,668	3,750
3	I50	Other Transport	269	1,290
3	L66	Rental and Hiring Services (except Real Estate)	277	5,730
3	Q86	Residential Care Services	334	9,510
3	R89	Heritage Activities	93	740
4	F36	Grocery, Liquor and Tobacco Product Wholesaling	958	4,740
4	I51	Postal and Courier Pick-up and Delivery Services	902	1,910
4	J56	Broadcasting (except Internet)	38	540
4	K64	Auxiliary Finance and Insurance Services	423	5,590
4	N73	Building Cleaning, Pest Control and Other Support Services	2,209	8,005
4	O77	Public Order, Safety and Regulatory Services	387	2,295
4	P82	Adult, Community and Other Education	1,514	6,010
4	Q85	Medical and Other Health Care Services	5,381	21,140
5	C12	Beverage and Tobacco Product Manufacturing	275	1,396
5	C16	Printing	581	3,184
5	J55	Motion Picture and Sound Recording Activities	610	1,365
5	O76	Defence	2	0
5	Q84	Hospitals	44	174
5	R92	Gambling Activities	42	355
6	F33	Basic Material Wholesaling	1,211	6,270
6	F34	Machinery and Equipment Wholesaling	1,559	10,420
6	F35	Motor Vehicle and Motor Vehicle Parts Wholesaling	636	3,120
6	F37	Other Goods Wholesaling	2,417	10,000
6	F38	Commission Based Wholesaling	336	820
6	G39	Motor Vehicle and Motor Vehicle Parts Retailing	1,256	5,890
6	G40	Fuel Retailing	332	3,340
6	G41	Food Retailing	2,886	12,900
6	G42	Other Store-Based Retailing	7,296	36,780
6	G43	Non Store Retailing and Retail Commission Based Buying and/or Selling	955	1,194
6	H44	Accommodation	2,718	11,860
6	H45	Food and Beverage Services	8,210	54,420
6	J54	Publishing (except Internet and Music Publishing)	187	1,240
6	J57	Internet Publishing and Broadcasting	23	81
6	J58	Telecommunications Services	83	390
6	J59	Internet Service Providers, Web Search Portals and Data Processing Services	103	730
6	J60	Library and Other Information Services	14	45

Risk Rank	ANZSIC Industry Code	Industry Name (Level 2 ANZSIC)	Est.# 1-19 businesses in Industry	# employees in 1-19 businesses in Industry
6	K62	Finance	2,070	2,885
6	K63	Insurance and Superannuation Funds	47	266
6	L67	Property Operators and Real Estate Services	5,024	11,550
6	M69	Professional, Scientific and Technical Services (except Computer Systems Design and Related Services)	11,484	46,060
6	M70	Computer Systems Design and Related Services	2,768	8,850
6	N72	Administrative Services	2,621	11,020
6	O75	Public Administration	54	189
6	P80	Preschool and School Education	1,794	20,320
6	P81	Tertiary Education	246	1,110
6	Q87	Social Assistance Services	912	3,060
6	R90	Artistic Activities	859	1,230
6	S94	Repair and Maintenance	5,196	20,670
6	S95	Personal and Other Services	6,311	24,520
6	S96	Private Households Employing Staff	No data	No data

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Explanatory notes

Demographic information (columns A-D)

Column A shows ANZSIC 2006 levels 1 and 2 classifications for context.

Column B describes each sector at ANZSIC 2006, level 3. There are a total of 214 industry sector codes at level 3 ANZSIC. However, this table accounts for only 212 industry sectors. This is because:

- 0752 State Government Administration is not applicable in New Zealand; and
- there are no ACC claims data for S960 Private Households Employing Staff.

Column C provides the total number of enterprises in each sector. The data source is Statistics NZ business demography data, but note that this type of analysis at ANZSIC06 level 3 detail is less robust than at higher levels.

Column D provides the annual employee count for each sector. The data source is Statistics NZ LEED data and MBE's detailed employment estimates. It provides an indication about the size of the workforce in that sector over the time period the injury data was considered, but note that this type of analysis at ANZSIC06 level 3 detail is less robust than at higher levels.

Raw Data (columns E and F)

The data source for these columns is WorkSafe NZ's SWIFT database. This database is itself an amalgam of two data sources:

1. WorkSafe New Zealand's fatality register
2. Approved ACC work-related injury claims (including fatalities).

Duplicate data is removed (i.e. where a fatality is represented in both sources), and the fatality definitions are aligned to match the official WorkSafe New Zealand fatality reduction target (bystanders, children, and volunteer workers are excluded, maritime, aviation, and transport fatalities are included).

Column E indicates the actual number of fatalities recorded in SWIFT against each sector for the period beginning January 2008 until December 2013.

Column F indicates the actual number of severe injuries recorded in SWIFT against each sector for the period beginning January 2008 until December 2013. For the purposes of this analysis, severe injuries include approved ACC entitlement claims that involve the payment of weekly compensation (i.e. where the employee is off work for a period of longer than a week due to their injury)

Analysis of key risk indicators (columns G-J)

The data in columns D, E and F were used to calculate rates of fatality and severe injury, to allow side-by-side comparison between sectors. Analysis resulting from that comparison is shown in columns G and H.

Column G indicates the relative risk of fatality, and Column H indicates the relative risk of severe injury in each sector.

This indicative data shows in which sectors workers are exposed to risk at levels:

A	greater than three times the average (for severe injury), and greater than four times the average (for fatality)
B	greater than twice the average and up to three times the average (for severe injury), or up to four times the average (for fatality)
C	greater than average and up to twice the average
D	either average or lower than average

Column I indicates an assessment of known occupational health risks in each sector – high, medium, or low

Column J indicates an assessment about whether a risk of catastrophic harm (potential for multiple fatalities or severe injuries from a single low frequency event) is present in each sector – yes or no.

1	A	B				E	F	G	H	I	J
		Demographic information									
2	ANZSIC06 Levels 1 & 2	ANZSIC06 Level 3	# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment	
											# enterprises
3	A Agriculture, Forestry and Fishing										
4	A01	Nursery and Floriculture Production	1185	5718	1	321	D	D	Med	N	
5	Agriculture	Mushroom and Vegetable Growing	1126	7700	0	635	D	C	Med	N	
6		Fruit and Tree Nut Growing	6050	22984	6	1180	D	D	Med	N	
7		Sheep, Beef Cattle and Grain Farming	24726	33984	24	3432	C	C	High	N	
8		Other Crop Growing	2149	1365	3	36	A	D	High	N	
9		Dairy Cattle Farming	15190	40186	39	6002	B	B	High	N	
10		Poultry Farming	342	1944	0	171	D	C	High	N	
11		Deer Farming	1070	1576	0	112	D	C	High	N	
12		Other Livestock Farming	3327	4106	11	1039	A	A	High	N	
13	A02	Aquaculture	255	845	0	151	D	B	Med	N	
14	A03	Forestry and Logging	4274	5835	27	1068	A	B	High	N	
15	A04	Fishing	1259	3559	7	543	A	B	High	N	
16	Fishing, Hunting	Hunting and Trapping	148	278	1	102	A	A	Low	N	
17	A05	Forestry Support Services	474	3403	2	386	C	C	Med	N	
18	Support Services	Agriculture and Fishing Support Services	5405	29820	16	2874	C	C	Med	N	
19	B Mining										
20	B06	Coal Mining	22	1499	29	172	A	C	High	Y	
21	B07	Oil and Gas Extraction	45	613	0	17	D	D	High	Y	
22	B08	Metal Ore Mining	103	1032	0	75	D	C	High	Y	
23	B09	Construction Material Mining	187	1918	1	190	C	C	High	N	
24	Non-metallic, quarrying	Other Non-Metallic Mineral Mining and Quarrying	22	107	0	14	D	B	High	Y	
25	B10	Exploration	111	496	0	16	D	D	Med	Y	
26	Exploration and services	Other Mining Support Services	183	1211	0	86	D	C	Med	Y	
27	C Manufacturing										
28	C11	Meat and Meat Product Manufacturing	247	30778	0	9843	D	A	High	N	
29	Food Product Manufacturing	Seafood Processing	60	6034	2	901	D	B	High	N	
30		Dairy Product Manufacturing	178	9620	0	1537	D	B	High	N	
31		Fruit and Vegetable Processing	87	4983	1	449	D	C	High	N	
32		Oil and Fat Manufacturing	38	355	0	92	D	A	High	N	
33		Grain Mill and Cereal Product Manufacturing	31	945	0	163	D	B	High	N	
34		Bakery Product Manufacturing	1263	12696	1	717	D	D	High	N	
35		Sugar and Confectionery Manufacturing	95	1856	0	126	D	D	High	N	
36		Other Food Product Manufacturing	534	7871	0	455	D	D	High	N	
37	C12	Beverage Manufacturing	535	7616	0	408	D	D	High	N	
38	Beverage, Tobacco	Cigarette and Tobacco Product Manufacturing	1	146	0	5	D	D	High	N	
39	C13	Textile Fibre, Yarn and Woven Fabric Manufacturing	44	2165	0	261	D	C	High	N	
40	Textile, Leather, Clothing, Footwear	Leather Tanning and Fur Dressing	77	1713	0	291	D	B	High	N	
41		Textile Product Manufacturing	589	4163	0	313	D	C	Med	N	
42		Knitted Product Manufacturing	42	984	0	27	D	D	Med	N	
43		Clothing and Footwear Manufacturing	660	5691	0	98	D	D	Med	N	
44	C14	Log Sawmilling and Timber Dressing	325	8234	4	1278	C	B	High	N	
45	Wood Product	Other Wood Product Manufacturing	1230	11271	3	1121	D	C	High	N	

1	A	Demographic information					Analysis of key risk indicators				J
		C	D	E	F	G	H	I	J		
2	ANZSIC06 Levels 1 & 2	# enterprises	average # employees (2008-2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment		
46	C15	13	1841	1	125	C	D	High	Y		
47	Pulp, Paper etc	51	3235	0	270	D	C	Med	Y		
48	C16	1128	11009	1	359	D	D	High	N		
49	Printing	81	183	0	4	D	D	Low	N		
50	C17	30	1374	0	24	D	D	High	Y		
51	C18	31	819	0	31	D	D	High	Y		
52	Basic Chemical and Chemical Product	46	1009	0	36	D	D	High	Y		
53	C182 Basic Polymer Manufacturing	61	1292	0	76	D	D	High	Y		
54	C183 Fertiliser and Pesticide Manufacturing	102	2229	1	95	C	D	High	Y		
55	C184 Pharmaceutical and Medicinal Product Manufacturing	134	1424	0	66	D	D	High	Y		
56	C185 Cleaning Compound and Toiletary Preparation Manufacturing	56	352	0	46	D	B	High	Y		
57	C189 Other Basic Chemical Product Manufacturing	507	11822	2	830	D	C	High	Y		
58	C191 Polymer Product Manufacturing	37	681	0	40	D	D	High	Y		
59	C192 Natural Rubber Product Manufacturing	128	1817	0	218	D	C	High	N		
60	C20	121	588	0	44	D	C	Med	N		
61	Non-Metallic Mineral	279	5132	3	564	C	C	Med	N		
62	C203 Cement, Lime, Plaster and Concrete Product Manufacturing	140	705	0	86	D	C	Med	N		
63	C209 Other Non-Metallic Mineral Product Manufacturing	87	1732	0	158	D	C	Med	N		
64	C21	44	740	0	130	D	B	High	N		
65	Primary Metal and Metal Product	21	1235	0	33	D	D	High	N		
66	C212 Basic Ferrous Metal Product Manufacturing	48	1372	0	105	D	C	High	N		
67	C213 Basic Non-Ferrous Metal Manufacturing	26	222	0	1	D	D	High	N		
68	C214 Basic Non-Ferrous Metal Product Manufacturing	870	11570	3	1116	D	C	High	N		
69	C22	55	1425	0	125	D	C	High	N		
70	Fabricated Metal Product	317	3185	0	471	D	B	High	N		
71	C221 Iron and Steel Forging	1303	9661	0	1718	D	B	High	N		
72	C222 Structural Metal Product Manufacturing	521	4213	1	478	D	C	High	N		
73	C223 Metal Container Manufacturing	900	10077	3	868	D	C	High	N		
74	C224 Other Sheet Metal Product Manufacturing	333	3828	0	26	D	D	High	N		
75	C229 Other Transport Equipment Manufacturing	265	4077	0	55	D	D	High	N		
76	C24	239	3461	0	187	D	D	High	N		
77	Machinery and Equipment	64	1463	0	91	D	D	High	N		
78	C242 Computer and Electronic Equipment Manufacturing	74	1377	0	79	D	D	High	N		
79	C243 Electrical Equipment Manufacturing	509	4985	0	531	D	C	High	N		
80	C244 Domestic Appliance Manufacturing	1947	11978	0	581	D	D	High	N		
81	C245 Pump, Compressor, Heating and Ventilation Equipment Manufacturing	1328	7784	1	769	D	C	High	N		
82	C246 Specialised Machinery and Equipment Manufacturing	878	3757	5	520	B	B	Med	N		
83	Furniture and Other										
84	D26 Electricity, gas, water, & waste										
85	D261 Electricity Generation	65	1596	1	30	C	D	Med	Y		
86	D262 Electricity Transmission	3	674	4	18	A	D	Med	Y		
87	D263 Electricity Distribution	23	2656	0	36	D	D	Med	Y		
88	D264 On Selling Electricity and Electricity Market Operation	31	1269	0	10	D	D	Low	Y		
	D27 Gas Supply	9	388	0		D	D	Med	Y		

1	A		B		C		D		E		F		G		H		I		J		
	Demographic information				Raw data		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		
2	ANZSIC06 Levels 1 & 2																				
89	D28																				
90	D29																				
91	Waste																				
92	E Construction																				
93	E30																				
94	Building Construction																				
95	E310 Heavy and Civil Engineering Construction																				
96	E31																				
97	E32																				
98	Construction Services																				
99	E324 Building Completion Services																				
100	E329 Other Construction Services																				
101	F Wholesale trade																				
102	F33																				
103	Basic Material																				
104	F333 Timber and Hardware Goods Wholesaling																				
105	F34																				
106	Machinery, Equipment																				
107	F35																				
108	F36																				
109	F37																				
110	Other Goods																				
111	F373 Furniture, Floor Coverings and Other Goods Wholesaling																				
112	F38																				
113	G Retail trade																				
114	G39																				
115	Motor Vehicle																				
116	G40																				
117	G41																				
118	Food Retailing																				
119	G42																				
120	Other Store Retailing																				
121	G421 Furniture, Floor Coverings, Houseware and Textile Goods Retailing																				
122	G422 Electrical and Electronic Goods Retailing																				
123	G423 Hardware, Building and Garden Supplies Retailing																				
124	G424 Recreational Goods Retailing																				
125	G425 Clothing, Footwear and Personal Accessories Retailing																				
126	G426 Department Stores																				
127	G427 Pharmaceutical and Other Store-Based Retailing																				
128	H Accommodation & food services																				
129	H44																				
130	H45																				
131	Food and Beverage Services																				

1	A		B		C		D		E		F		G		H		I		J	
	ANZSIC06 Levels 1 & 2		Demographic information		# enterprises	average # employees (2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment								
132	2	ANZSIC06 Level 3			389	3308	0	159	D	D	Med	N								
133		H453 Clubs (Hospitality)																		
134		I461 Transport, postal, & warehousing																		
135		146 Road			3972	28890	18	5110	C	B	Med	Y								
136		147 Rail			3820	11953	1	819	D	D	Med	Y								
137		148 Water			1	1234	1	127	B	C	Med	Y								
138		149 Other Transport			0	845	0	12	D	D	Med	Y								
139		150 Other Transport			93	1022	0		D	D	Med	Y								
140		151 Other Transport			80	1239	0	87	D	C	Med	Y								
141		152 Transport Support			309	10528	15	692	B	D	Med	Y								
142		153 Information media & Telecommunication			546	2074	1	28	C	D	Med	Y								
143		J541 Newspaper, Periodical, Book and Directory Publishing			387	825	0	299	D	A	Med	Y								
144		J542 Software Publishing			3184	15653	0	1506	D	C	Med	N								
145		J55 Printing (Not Internet)			258	4905	8	658	A	B	Med	N								
146		J56 Motion Picture, Sound			74	2377	0	91	D	D	Med	N								
147		J57 Broadcasting			778	8256	4	764	C	C	Med	N								
148		J58 Broadcasting			462	6504	0	360	D	D	Med	Y								
149		J59 Internet Service Providers			742	10065	1	51	D	D	Low	N								
150		J60 Library, Other Information			198	143	0		D	D	Low	N								
151		K62 Financial & insurance services			2677	9240	0	127	D	D	High	N								
152		K621 Central Banking			209	377	0	3	D	D	Low	N								
153		K622 Depository Financial Intermediation			124	2520	0	6	D	D	Low	N								
154		K623 Non-Depository Financing			44	3611	9	33	A	D	Low	N								
155		K624 Financial Asset Investing			108	127	0		D	D	Low	N								
156		K631 Life Insurance			373	11720	0	221	D	D	Low	N								
157		K632 Health and General Insurance			285	976	0	14	D	D	Low	N								
158		K633 Superannuation Funds			240	3194	0	18	D	D	Low	N								
159		K64 Auxiliary Finance and Investment Services			28	4525	0	37	D	D	Low	N								
160		K641 Auxiliary Finance and Investment Services			39	41	0		D	D	Low	N								
161		K642 Auxiliary Insurance Services																		
162		L661 Motor Vehicle and Transport Equipment Rental and Hiring			2	325	0	10	D	D	Low	N								
163		L662 Farm Animal and Bloodstock Leasing			76	27594	3	141	D	D	Low	N								
164		L663 Other Goods and Equipment Rental and Hiring			533	2248	0	3	D	D	Low	N								
165		L664 Rental and Hiring			25192	5215	0	72	D	D	Low	N								
166		L665 Rental and Hiring			36	3477	0	7	D	D	Low	N								
167		L666 Rental and Hiring			127	7561	0	59	D	D	Low	N								
168		L667 Rental and Hiring			404	18	0	1	D	D	Low	N								
169		L668 Rental and Hiring			3134	10403	7	75	C	D	Low	N								
170		L669 Rental and Hiring			2077	6549	2	33	D	D	Low	N								
171		L670 Rental and Hiring																		
172		L671 Rental and Hiring			1437	3943	1	172	D	D	Low	N								
173		L672 Rental and Hiring			516	226	0	78	D	A	Low	N								
174		L673 Rental and Hiring			2590	8270	0	463	D	D	Low	N								

1	A	B Demographic information					C	D	E Raw data		F	G Analysis of key risk indicators				H	I	J
		# enterprises		average # employees (2008-2013)	# fatalities (2008-2013)	# severe injures (2008-2013)			Relative rating of fatality risk	Relative rating of severe injury risk		Occ health risk assessment	Catastrophic risk assessment					
2	ANZSIC06 Levels 1 & 2																	
175	L664 Non-Financial Intangible Assets (Except Copyrights) Leasing		906	1386	0	12												
176	L671 Property Operators		90519	16487	0	552												
177	L672 Real Estate Services		9853	20760	0	212												
178	M Professional, scientific, & technical																	
179	M69 Scientific Research Services		572	8791	0	97												
180	M692 Architectural, Engineering and Technical Services		11825	40700	0	788												
181	M693 Legal and Accounting Services		7906	40460	1	103												
182	M694 Advertising Services		1622	6517	0	45												
183	M695 Market Research and Statistical Services		305	4754	0	19												
184	M696 Management and Related Consulting Services		17285	59462	0	444												
185	M697 Veterinary Services		575	4721	0	157												
186	M699 Other Professional, Scientific and Technical Services		1609	3116	0	72												
187	M70 Computer System Design and Related Services		10017	30769	0	67												
188	N Administrative & support services																	
189	N72 Employment Services		1248	43645	1	2749												
190	N722 Travel Agency Services		1635	8008	0	76												
191	N729 Other Administrative Services		5438	27612	0	372												
192	N731 Building Cleaning, Pest Control and Gardening Services		7086	27328	1	2714												
193	N732 Packaging and Labelling Services		98	12067	0	32												
194	O Public administration & safety																	
195	O75 Central Government Administration		21	30113	0	484												
196	O753 Local Government Administration		8	19733	1	349												
197	O754 Justice		0	3675	1	17												
198	O760 Defence		0	13120	5	187												
199	O771 Public Order and Safety Services		873	32965	5	2736												
200	O772 Regulatory Services		105	6556	1	196												
201	P Education & training																	
202	P80 Preschool Education		1233	21036	0	570												
203	P802 School Education		1142	95452	4	1343												
204	P810 Tertiary Education		442	46523	0	434												
205	P821 Adult, Community and Other Education		2814	14894	6	205												
206	P822 Educational Support Services		400	2988	0	8												
207	Q Health care & social assistance																	
208	Q84 Hospitals		39	66383	1	3631												
209	Q851 Medical Services		6026	16649	5	95												
210	Q852 Pathology and Diagnostic Imaging Services		168	4547	0	62												
211	Q853 Allied Health Services		7041	39172	1	297												
212	Q859 Other Health Care Services		584	6262	0	489												
213	Q860 Residential Care Services		438	41776	0	3781												
214	Q871 Child Care Services		964	11018	0	373												
215	Q879 Other Social Assistance Services		1095	17646	0	1054												
216	R Arts & recreation services																	
217	R891 Museum Operation		161	2449	0	42												

	A	B			C		D		E		F		G				H		I		J	
		Demographic information		Raw data		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		Analysis of key risk indicators		
		# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment													
1																						
2	ANZSIC06 Levels 1 & 2																					
218	Heritage Activities	130	4364	2	499	C	C	Med	N													
219	R892 Parks and Gardens Operations	2939	5579	0	202	D	D	Low	N													
220	R900 Creative and Performing Arts Activities	4352	18391	0	1487	D	C	Med	N													
221	R911 Sport and Physical Recreation Activities	664	2376	2	517	B	A	Med	N													
222	R912 Horse and Dog Racing Activities	846	4361	7	197	A	D	Med	N													
223	R913 Amusement and Other Recreation Activities	132	3737	0	234	D	D	Low	N													
224	R920 Gambling Activities																					
224	S Other services																					
225	S94	7099	24604	2	1552	D	D	High	N													
226	Repair and Maintenance	2144	7688	0	312	D	D	High	N													
227	S949 Other Repair and Maintenance	459	1105	0	68	D	D	High	N													
228	S951 Personal Care Services	3915	14236	1	167	D	D	High	N													
229	S952 Funeral, Crematorium and Cemetery Services	195	1079	0	47	D	D	High	N													
230	S953 Other Personal Services	1895	8797	2	522	D	D	Med	N													
231	S954 Religious Services	1170	7335	0	63	D	D	Med	N													
232	S955 Civic, Professional and Other Interest Group Services	3908	14199	0	174	D	D	Med	N													
233	T99999 Not Stated	N/A	N/A	33	3666																	
234	TOTAL	473846	2291476	392	130219																	
235																						

OFFICIAL INFORMATION ACT UNDER THE OFFICIAL INFORMATION ACT

Notes:

From Sch.1 Accident Compensation (Work Account Levies) Regulations 2015

Current portion reflects current risk relativities

Ave current portion is \$0.59

Full Work average Levy is \$0.90 - which includes the residual levy, that is not relevant for this purpose

Classification Unit Number	Classification Unit	Levy rate per \$100 of earnings (current portion only)
93110	Horse racing activities—thoroughbred and other (not elsewhere classified)	\$4.42
93114	Horse racing activities—thoroughbred racing—jockeys	\$4.42
93197	Sport and physical recreation—motor cycling	\$4.42
93180	Sport and physical recreation—professional rugby	\$4.42
93181	Sport and physical recreation—professional rugby league	\$4.42
93175	Sport and physical recreation—professional sport (not elsewhere classified)	\$4.42
93196	Sporting and recreational equine activities (not elsewhere classified)	\$4.42
3030	Forestry support services (excluding tree cutting and felling)	\$3.01
3010	Forestry	\$3.00
2200	Hunting and trapping	\$3.00
3020	Logging	\$3.00
2120	Shearing services	\$2.93
4110	Rock lobster and crab fishing or potting	\$2.82
4150	Line fishing (including processing on-board)	\$2.60
4130	Fish trawling, seining, and netting (including processing on-board)	\$2.59
4190	Fishing (not elsewhere classified)	\$2.59
4120	Prawn fishing	\$2.57
42230	Roofing services	\$2.46
42220	Bricklaying services	\$2.45
42240	Structural steel erection services	\$2.44
21110	Meat processing	\$2.40
93410	Alpine and white water recreation activities	\$2.13
1520	Horse farming and horse agistment	\$2.13
93113	Horse racing activities—harness racing	\$2.13
93115	Horse racing activities—harness racing—drivers	\$2.13
93174	Sport and physical recreation—community cricket	\$2.13
93198	Sport and physical recreation—motor racing	\$2.13
93194	Sport and physical recreation—professional cricket	\$2.13
66210	Stevedoring services	\$2.00
42210	Concreting services	\$1.99
42450	Glazing services	\$1.99
42510	Landscape construction services	\$1.99
42342	Building installation services (not elsewhere classified)	\$1.98
42420	Carpentry services	\$1.98
42590	Construction services (not elsewhere classified)	\$1.98
95250	Gardening and turf management services	\$1.98
42101	Hire of construction machinery and cranes with operator	\$1.98
42410	Plastering and ceiling services	\$1.98
42430	Tiling and carpeting services	\$1.98
41110	House construction	\$1.92
1300	Dairy cattle farming	\$1.90
61100	Road freight transport	\$1.90
1590	Livestock farming (not elsewhere classified)	\$1.86
1593	Beekeeping	\$1.85
1530	Deer farming	\$1.85
1510	Pig farming	\$1.85
41120	Residential building construction (not elsewhere classified)	\$1.85
41130	Non-residential building construction	\$1.84
42440	Painting and decorating services	\$1.83
1220	Grain and sheep or grain and beef cattle farming	\$1.78
1250	Beef cattle farming	\$1.77
1230	Sheep and beef cattle farming	\$1.77
1240	Sheep farming	\$1.77
27490	Structural metal product manufacturing (not elsewhere classified)	\$1.67
27410	Structural steel fabricating	\$1.67
2190	Agriculture and fishing support services (not elsewhere classified)	\$1.64
3021	Forest product and moss gathering and processing	\$1.64
4210	Offshore aquaculture	\$1.64
4220	Onshore aquaculture	\$1.64
21510	Grain mill product manufacturing	\$1.62
21120	Poultry processing	\$1.62
21730	Seafood processing (other than on-board vessels)	\$1.62
41220	Heavy and civil engineering construction (not elsewhere classified)	\$1.51
23110	Log sawmilling	\$1.45
23130	Timber resawing and dressing	\$1.45
23120	Wood chipping	\$1.45
41222	Land development and subdivision	\$1.40
42100	Site preparation services	\$1.40
28220	Boatbuilding and boat repair services (all vessels under 50 tonnes displacement)	\$1.39
11010	Coal mining	\$1.37
14190	Construction material mining (not elsewhere classified)	\$1.37

93112	Dog racing activities	\$1.37
13140	Gold ore mining	\$1.37
14110	Gravel and sand quarrying	\$1.37
13110	Iron ore mining	\$1.37
13190	Metal ore mining (not elsewhere classified)	\$1.37
15130	Mineral exploration	\$1.37
13150	Mineral sand mining	\$1.37
14200	Mining and quarrying (not elsewhere classified)	\$1.37
15200	Mining support services (not elsewhere classified)	\$1.37
15110	Petroleum and natural gas exploration	\$1.37
13170	Silver, lead, and zinc ore mining	\$1.37
93170	Sport and physical recreation—community rugby	\$1.37
93182	Sport and physical recreation—snow skiing	\$1.37
93185	Sport and physical recreation—squash or badminton	\$1.37
84500	Sports and physical recreation instruction	\$1.37
22611	Leather tanning, fellmongery, and fur dressing	\$1.31
93199	Sport and physical recreation—netball	\$1.31
22110	Wool scouring	\$1.31
26290	Ceramic product manufacturing (not elsewhere classified)	\$1.30
52592	Firewood, coal, and coke retailing	\$1.30
42310	Plumbing services	\$1.30
29190	Prefabricated wooden building manufacturing	\$1.30
26330	Ready-mixed concrete manufacturing	\$1.30
45310	Timber wholesaling	\$1.30
23210	Veneer and plywood manufacturing	\$1.30
23290	Wood product manufacturing (not elsewhere classified)	\$1.30
23230	Wooden structural fittings and components manufacturing	\$1.30
42592	Building completion services—all trades subcontracted	\$1.29
28210	Shipbuilding and ship repair services (any vessel 50 tonnes displacement or over)	\$1.24
96350	Solid waste collection services	\$1.24
96380	Waste collection services (not elsewhere classified)	\$1.24
96370	Waste remediation and materials recovery services	\$1.24
96340	Waste treatment and disposal services	\$1.24
28610	Agricultural machinery and equipment manufacturing	\$1.21
78621	Labour supply services (on-hired staff—non-office work—including up to 30% office work)	\$1.21
28690	Machinery and equipment manufacturing (not elsewhere classified)	\$1.21
28620	Mining and construction machinery manufacturing	\$1.21
28120	Motor vehicle body and trailer manufacturing	\$1.21
28230	Railway rolling stock manufacturing and repair services	\$1.21
41210	Road and bridge construction	\$1.20
22140	Natural textile manufacturing	\$1.18
22230	Rope, cordage, and twine manufacturing	\$1.18
22120	Synthetic textile manufacturing	\$1.18
22220	Textile floor-covering manufacturing	\$1.18
27692	Boiler, tank, and other heavy-gauge metal container manufacturing	\$1.16
27690	Fabricated metal product manufacturing (not elsewhere classified)	\$1.16
29110	Prefabricated metal building manufacturing	\$1.16
27640	Surface coating and finishing	\$1.16
27310	Aluminium rolling, drawing, and extruding	\$1.15
27420	Architectural aluminium product manufacturing	\$1.15
45220	Metal and mineral wholesaling	\$1.15
64040	Air operations under Civil Aviation Rules Part 133 or 135	\$1.06
2130	Air operations under Civil Aviation Rules Part 137	\$1.06
64050	Air operations under Civil Aviation Rules Parts 101, 103, 104, 105, 106 or 115	\$1.06
26310	Cement and lime manufacturing	\$1.06
26210	Clay brick manufacturing	\$1.06
26350	Concrete product manufacturing	\$1.06
26100	Glass and glass product manufacturing	\$1.06
26400	Non-metallic mineral product manufacturing (not elsewhere classified)	\$1.06
26320	Plaster and gypsum product manufacturing	\$1.06
63020	Coastal or international water transport (vessels 45 metres length and under, or 500 tonnes displacement and under)	\$1.03
63010	Coastal or international water transport (vessels over 45 metres length and over 500 tonnes displacement)	\$1.03
63030	Inland water transport (except passenger-only)	\$1.03
66230	Port and water transport terminal operations	\$1.03
66500	Scenic and sightseeing transport (excluding aviation)	\$1.03
63031	Water passenger transport (river, lake, or harbour)	\$1.03
66290	Water transport support services (not elsewhere classified)	\$1.03
78660	Cleaning services and facilities management (not elsewhere classified)	\$1.02
27120	Iron and steel casting	\$1.02
27121	Iron and steel forging	\$1.02
27110	Iron smelting and steel manufacturing	\$1.02
78650	Pest control services (except agricultural and forestry)	\$1.02
27130	Steel pipe and tube manufacturing	\$1.02
47130	Dairy produce wholesaling	\$1.01
47140	Fish and seafood wholesaling	\$1.01
21300	Fruit and vegetable processing	\$1.01
47110	Meat, poultry, and smallgoods wholesaling	\$1.01
21400	Oil and fat manufacturing	\$1.01
86130	Aged care residential services	\$1.00
86330	Ambulance services	\$1.00
87220	Residential care services (not elsewhere classified)	\$1.00

87211	Retirement village operation (with rest home or hospital facilities)	\$1.00
87210	Retirement village operation (without rest home or hospital facilities)	\$1.00
46240	Motor vehicle dismantling and used-part wholesaling	\$0.99
53240	Tyre retailing	\$0.99
27430	Metal roof and guttering manufacturing (except aluminium)	\$0.98
27590	Sheet metal product manufacturing (except metal structural and container products)	\$0.98
66420	Freight-forwarding services and customs and shipping agents (including handling of goods)	\$0.97
65090	Transport (not elsewhere classified)	\$0.97
66190	Transport support services (not elsewhere classified)	\$0.97
1420	Poultry farming (eggs)	\$0.96
1410	Poultry farming (meat)	\$0.96
1191	Citrus fruit growing	\$0.94
71120	Courier pick-up and delivery services	\$0.94
36101	Electricity line-system operation	\$0.94
36200	Gas supply	\$0.94
71110	Postal services	\$0.94
37020	Sewerage and drainage services	\$0.94
41221	Utility and communications network construction and maintenance services	\$0.94
37010	Water supply	\$0.94
1150	Apple and pear growing	\$0.93
1192	Berry fruit growing	\$0.93
1690	Crop growing (not elsewhere classified)	\$0.93
1120	Floriculture production	\$0.93
1190	Fruit and tree nut growing (not elsewhere classified)	\$0.93
1210	Grain growing	\$0.93
1140	Grape growing	\$0.93
77430	Heavy machinery and scaffolding rental and hiring	\$0.93
2195	Horticultural contracting and labour supply services	\$0.93
1170	Kiwifruit growing	\$0.93
77420	Motor vehicle and transport equipment rental and hiring (not elsewhere classified)	\$0.93
1692	Mushroom growing	\$0.93
1110	Nursery production	\$0.93
1180	Olive growing	\$0.93
1160	Stone fruit growing	\$0.93
1111	Turf growing	\$0.93
1130	Vegetable growing	\$0.93
96330	Fire protection and other emergency services (except police and ambulance services)	\$0.92
96320	Correctional and detention services	\$0.91
92390	Nature reserve and conservation park operation	\$0.90
92310	Zoological and botanic gardens operation	\$0.90
42330	Air conditioning and heating services	\$0.89
42341	Fire and security alarm installation services	\$0.89
78622	Labour supply services (on-hired staff—both office and non-office work—minimum 30% office work)	\$0.89
27510	Metal container manufacturing (not elsewhere classified)	\$0.88
27620	Spring and wire product manufacturing	\$0.88
21610	Bread manufacturing (factory-based)	\$0.84
21520	Cereal, pasta, and baking-mix manufacturing	\$0.84
29290	Furniture manufacturing (not elsewhere classified)	\$0.84
86131	Labour supply services (nursing, medical, and dental)	\$0.84
95210	Laundry and dry-cleaning services	\$0.84
29490	Manufacturing (not elsewhere classified)	\$0.84
29230	Mattress manufacturing	\$0.84
87290	Social assistance services (not elsewhere classified)	\$0.84
29420	Toy, sporting, and recreational product manufacturing	\$0.84
29210	Wooden furniture and upholstered seat manufacturing	\$0.84
61210	Interurban and rural bus transport	\$0.82
62000	Rail freight transport	\$0.82
62100	Rail passenger transport	\$0.82
61230	Taxi and road transport (not elsewhere classified)	\$0.82
61220	Urban bus transport	\$0.82
53230	Automotive body, paint, and interior repair and maintenance	\$0.76
53220	Automotive electrical services	\$0.76
53290	Automotive repair and maintenance (not elsewhere classified)	\$0.76
52610	Domestic appliance repair and maintenance	\$0.76
28680	Machinery and equipment repair and maintenance (not elsewhere classified)	\$0.76
28130	Automotive electrical components manufacturing	\$0.75
28110	Motor vehicle manufacturing	\$0.75
28190	Motor vehicle parts manufacturing (not elsewhere classified)	\$0.75
28290	Transport equipment manufacturing (not elsewhere classified)	\$0.75
67010	Grain storage services	\$0.74
67090	Warehousing and storage services (not elsewhere classified)	\$0.74
42320	Electrical services (including telecommunication services within buildings)	\$0.73
21640	Bakery product manufacturing (non-factory-based)	\$0.71
21630	Biscuit manufacturing (factory-based)	\$0.71
21620	Cake and pastry manufacturing (factory-based)	\$0.71
82000	Defence	\$0.71
21790	Food product manufacturing (not elsewhere classified)	\$0.71
51210	Fresh meat, fish, and poultry retailing	\$0.71
51220	Fruit and vegetable retailing	\$0.71
51230	Liquor retailing	\$0.71
21740	Prepared animal and bird feed manufacturing	\$0.71
51290	Specialised food retailing (not elsewhere classified)	\$0.71

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51100	Supermarket and grocery stores	\$0.71
93400	Amusement and other recreation activities (not elsewhere classified)	\$0.70
93300	Amusement parks and centres operation	\$0.70
52520	Antique and used goods retailing	\$0.70
52320	Floor-covering retailing	\$0.70
52310	Furniture retailing	\$0.70
52530	Garden supplies retailing	\$0.70
52330	Hardware and building supplies retailing	\$0.70
93130	Health and fitness centres and gymnasia operation	\$0.70
93111	Horse and dog racing administration and track operation	\$0.70
52230	Manchester and textile goods retailing (not elsewhere classified)	\$0.70
25630	Polymer film and sheet packaging material manufacturing	\$0.70
25650	Polymer foam product manufacturing	\$0.70
25661	Polymer product manufacturing (not elsewhere classified)	\$0.70
25610	Rigid and semi-rigid polymer product manufacturing	\$0.70
93192	Sport and physical recreation—boating or yachting	\$0.70
93190	Sport and physical recreation—community (not elsewhere classified)	\$0.70
93171	Sport and physical recreation—community rugby league	\$0.70
93193	Sport and physical recreation—cycling	\$0.70
93195	Sport and physical recreation—golf	\$0.70
93184	Sport and physical recreation—softball or baseball	\$0.70
93186	Sport and physical recreation—swimming	\$0.70
93187	Sport and physical recreation—tennis	\$0.70
93188	Sport and physical recreation—water skiing	\$0.70
93120	Sports and physical recreation venues, grounds, and facilities operation	\$0.70
21290	Cheese and other dairy product manufacturing (not elsewhere classified)	\$0.68
21130	Cured meat and smallgoods manufacturing	\$0.68
21220	Ice cream manufacturing	\$0.68
21210	Milk and cream processing	\$0.68
46110	Agricultural and construction machinery wholesaling	\$0.67
46220	Commercial vehicle wholesaling	\$0.67
45120	Cereal grain wholesaling	\$0.65
28670	Fixed space heating, cooling, and ventilation equipment manufacturing	\$0.65
28630	Food and other industry-specific machinery and equipment manufacturing (not elsewhere classified)	\$0.65
47150	Fruit and vegetable wholesaling	\$0.65
47190	Grocery wholesaling (not elsewhere classified)	\$0.65
47191	Grocery wholesaling—multiple product ranges	\$0.65
28650	Lifting and material-handling equipment manufacturing	\$0.65
28640	Machine tool and parts manufacturing	\$0.65
29220	Metal furniture manufacturing	\$0.65
84330	Modern Apprenticeship Co-ordinators employing apprentices	\$0.65
28660	Pump and compressor manufacturing	\$0.65
78640	Investigation and security services	\$0.63
21111	Meat and food inspection services	\$0.63
23390	Converted paper product manufacturing (not elsewhere classified)	\$0.62
23220	Reconstituted wood product manufacturing	\$0.62
23391	Sanitary paper product manufacturing	\$0.62
27630	Nut, bolt, screw, and rivet manufacturing	\$0.59
57100	Accommodation	\$0.58
57400	Clubs (hospitality)	\$0.58
57200	Pubs, taverns, and bars	\$0.58
21720	Confectionery manufacturing	\$0.56
78670	Packaging services	\$0.56
21795	Potato crisps and corn crisps manufacturing	\$0.56
21710	Sugar manufacturing	\$0.56
45390	Hardware goods wholesaling (not elsewhere classified)	\$0.54
25360	Basic polymer manufacturing (not elsewhere classified)	\$0.52
25310	Fertiliser manufacturing	\$0.52
95190	Goods and equipment rental and hiring (not elsewhere classified)	\$0.52
77301	Holder investor farms and livestock	\$0.52
77410	Passenger car and minibus rental and hiring	\$0.52
25200	Petroleum and coal product manufacturing (not elsewhere classified)	\$0.52
25330	Synthetic resin and synthetic rubber manufacturing	\$0.52
51110	In-store retail support services	\$0.51
47990	Wholesaling (not elsewhere classified)	\$0.51
45190	Agricultural product wholesaling (not elsewhere classified)	\$0.49
23330	Corrugated paperboard and paperboard container manufacturing	\$0.49
47320	Furniture and floor-coverings wholesaling	\$0.49
47390	Kitchenware and diningware wholesaling	\$0.49
23340	Paper bag and sack manufacturing	\$0.49
24110	Paper stationery manufacturing	\$0.49
45391	Plumbing goods wholesaling	\$0.49
23310	Pulp, paper, and paperboard manufacturing	\$0.49
27210	Alumina production	\$0.48
27220	Aluminium smelting	\$0.48
27290	Basic non-ferrous metal manufacturing (not elsewhere classified)	\$0.48
27320	Basic non-ferrous metal product manufacturing (not elsewhere classified)	\$0.48
57300	Cafes and restaurants	\$0.48
51270	Catering services	\$0.48
27230	Copper, silver, lead, and zinc smelting and refining	\$0.48
52450	Marine equipment retailing	\$0.48
53120	Motor cycle retailing (including associated vehicle servicing)	\$0.48

46230	Motor vehicle new-part wholesaling	\$0.48
53140	Motor vehicle parts retailing	\$0.48
27330	Non-ferrous metal casting and forging	\$0.48
53210	Petroleum fuel retailing (including associated vehicle servicing)	\$0.48
51250	Takeaway food services	\$0.48
53130	Trailer and motor vehicle retailing (not elsewhere classified)	\$0.48
46221	Trailer and motor vehicle wholesaling (not elsewhere classified)	\$0.48
22420	Clothing manufacturing	\$0.44
22210	Cut and sewn textile product manufacturing	\$0.44
22500	Footwear manufacturing	\$0.44
22390	Knitted product manufacturing	\$0.44
22620	Leather and leather substitute goods manufacturing	\$0.44
25590	Natural rubber product manufacturing	\$0.44
96310	Police services	\$0.44
22290	Textile finishing and textile product manufacturing (not elsewhere classified)	\$0.44
25510	Tyre manufacturing	\$0.44
95300	Brothel-keeping, massage parlour, and prostitution services	\$0.40
96291	Community-based, multi-functional activities (not elsewhere classified)	\$0.40
95270	Diet and weight-reduction centre operation	\$0.40
95240	Funeral, crematorium, and cemetery services	\$0.40
95260	Hairdressing and beauty services	\$0.40
77120	Non-residential property operators and developers (excluding construction)	\$0.40
66110	Parking services	\$0.40
95290	Personal services (not elsewhere classified)	\$0.40
97000	Private households employing staff	\$0.40
77110	Residential property operators and developers (excluding construction)	\$0.40
86110	Hospitals (except psychiatric hospitals)	\$0.39
86132	Midwifery services	\$0.39
86120	Psychiatric hospitals and psychiatric services (not elsewhere classified)	\$0.39
21820	Beer manufacturing	\$0.38
53110	Car retailing (including associated vehicle servicing)	\$0.38
87100	Childcare services	\$0.38
21900	Cigarette and tobacco product manufacturing	\$0.38
84100	Preschool education	\$0.38
78291	Professional, scientific, and technical services (not elsewhere classified)	\$0.38
78290	Scientific testing and analysis services	\$0.38
21810	Soft drink, cordial, and syrup manufacturing	\$0.38
21840	Spirit manufacturing	\$0.38
86400	Veterinary services	\$0.38
21830	Wine and alcoholic beverage manufacturing (not elsewhere classified)	\$0.38
52341	Computer and computer peripherals retailing	\$0.37
52100	Department stores	\$0.37
52342	Electrical and electronic goods retailing (not elsewhere classified)	\$0.37
52340	Electrical, electronic, and gas appliance retailing	\$0.37
52331	Houseware retailing	\$0.37
52595	Non-store retailing	\$0.37
52597	Retail commission-based buying selling (or both)	\$0.37
52590	Store-based retailing (not elsewhere classified)	\$0.37
52420	Toy and game retailing	\$0.37
25450	Cleaning compound manufacturing	\$0.34
25460	Cosmetic and toiletry preparation manufacturing	\$0.34
25430	Human pharmaceutical and medicinal product manufacturing	\$0.34
25440	Pesticide manufacturing	\$0.34
25431	Veterinary pharmaceutical and medicinal product manufacturing	\$0.34
52620	Clothing and footwear repair	\$0.33
78330	Electronic (except domestic appliance) and precision equipment repair and maintenance	\$0.33
52690	Repair and maintenance (not elsewhere classified)	\$0.33
93220	Casino operation	\$0.32
92420	Creative artists, musicians, writers, and performers	\$0.32
28520	Electric cable and wire manufacturing	\$0.32
91110	Motion picture and video production and other motion picture and video activities (not elsewhere classified)	\$0.32
91130	Motion picture exhibition	\$0.32
92510	Music and other sound recording activities (not elsewhere classified)	\$0.32
92410	Performing arts operation	\$0.32
92520	Performing arts venue operation	\$0.32
46190	Food and other specialised industrial machinery and equipment wholesaling	\$0.31
25491	Adhesive manufacturing	\$0.30
25490	Basic chemical product manufacturing (not elsewhere classified)	\$0.30
25340	Basic organic chemical manufacturing	\$0.30
25410	Explosives manufacturing	\$0.30
77300	Non-financial assets leasing and investment (including franchisors)	\$0.30
25420	Paint and coatings manufacturing	\$0.30
24120	Printing	\$0.30
24130	Printing support services	\$0.30
64010	Air transport under Civil Aviation Rules Part 121, 125, or 129	\$0.29
28240	Aircraft manufacturing and repair services	\$0.29
66300	Airport operations and air transport support services (not elsewhere classified)	\$0.29
28510	Domestic appliance manufacturing (not elsewhere classified)	\$0.29
28540	Electric lighting equipment manufacturing	\$0.29
28590	Electrical equipment manufacturing (not elsewhere classified)	\$0.29
28490	Electronic equipment manufacturing (not elsewhere classified)	\$0.29
28511	Whiteware appliance manufacturing	\$0.29

84400	Adult, community, and other education (not elsewhere classified)	\$0.26
84600	Arts education	\$0.26
93290	Gambling activities (not elsewhere classified)	\$0.25
93210	Lottery operation	\$0.25
92200	Museum operation	\$0.25
47940	Book and magazine wholesaling	\$0.23
46210	Car wholesaling	\$0.23
47220	Clothing and footwear wholesaling	\$0.23
52210	Clothing retailing	\$0.23
52220	Footwear retailing	\$0.23
45230	Industrial and agricultural chemical product wholesaling	\$0.23
47170	Liquor and tobacco product wholesaling	\$0.23
47950	Paper product wholesaling	\$0.23
47960	Pharmaceutical and toiletry goods wholesaling	\$0.23
47210	Textile product wholesaling	\$0.23
45111	Wool wholesaling	\$0.23
52591	Craft and gift retailing (not elsewhere classified)	\$0.22
52350	Entertainment media retailing	\$0.22
52540	Flower retailing	\$0.22
52430	Newspaper and new and used book retailing	\$0.22
52560	Personal accessories retailing (not elsewhere classified)	\$0.22
71111	Retail postal services	\$0.22
52410	Sport and camping equipment retailing	\$0.22
52460	Stationery goods retailing	\$0.22
95110	Video and other electronic media rental and hiring	\$0.22
52550	Watch and jewellery retailing	\$0.22
78693	Administrative services (not elsewhere classified)	\$0.21
78540	Office administrative services	\$0.18
86390	Allied health services (not elsewhere classified)	\$0.18
86360	Chiropractic and osteopathic services	\$0.18
84230	Combined primary and secondary education	\$0.18
86340	Community health centre operation	\$0.18
46150	Electrical and electronic goods wholesaling (not elsewhere classified)	\$0.18
86391	Health care services (not elsewhere classified)	\$0.18
86310	Pathology and diagnostic imaging services	\$0.18
86350	Physiotherapy services	\$0.18
84210	Primary education	\$0.18
87222	Residential refuge operation	\$0.18
84220	Secondary education	\$0.18
84240	Special-school education	\$0.18
81130	Local government administration (not elsewhere classified)	\$0.17
96360	Public order and safety services (not elsewhere classified)	\$0.17
96400	Regulatory services (licensing and inspection) (not elsewhere classified)	\$0.17
91111	Post-production and digital visual effects services	\$0.16
77200	Real estate services	\$0.16
78210	Architectural services	\$0.14
96210	Business and professional association services	\$0.14
36130	Electricity generation (not elsewhere classified)	\$0.14
36103	Energy and services-utilities operation (excluding construction, maintenance, and plant operation)	\$0.14
78230	Engineering design and engineering consulting services	\$0.14
36110	Fossil fuel electricity generation	\$0.14
36120	Hydroelectricity generation	\$0.14
96290	Interest group services (not elsewhere classified)	\$0.14
96220	Labour association services	\$0.14
36102	On-selling electricity and electricity market operation	\$0.14
96100	Religious organisations and services	\$0.14
78100	Scientific research services	\$0.14
78520	Specialised design services (not elsewhere classified)	\$0.14
78220	Surveying and mapping services	\$0.14
25350	Basic inorganic chemical manufacturing	\$0.13
78692	Call centre operation	\$0.13
78691	Credit reporting and debt collection services	\$0.13
78630	Document preparation services	\$0.13
84700	Educational support services	\$0.13
78610	Employment placement and recruitment services (no on-hired staff)	\$0.13
25320	Industrial gas manufacturing	\$0.13
78620	Labour supply services (on-hired staff—office workers only)	\$0.13
12000	Oil and gas extraction	\$0.13
25100	Petroleum refining and petroleum fuel manufacturing	\$0.13
65010	Pipeline transport	\$0.13
61231	Taxi and other vehicle scheduling operations	\$0.12
28420	Communications equipment manufacturing	\$0.12
46130	Computer and computer peripherals wholesaling	\$0.12
28410	Computer and electronic office equipment manufacturing	\$0.12
29410	Jewellery and silverware manufacturing	\$0.12
47920	Jewellery and watch wholesaling	\$0.12
28320	Medical and surgical equipment and prosthetics manufacturing	\$0.12
45210	Petroleum product wholesaling (including product ownership to retail point-of-sale)	\$0.12
28310	Photographic, optical, and ophthalmic equipment manufacturing	\$0.12
28390	Professional and scientific equipment manufacturing (not elsewhere classified)	\$0.12
46120	Professional and scientific goods wholesaling	\$0.12
24300	Reproduction of recorded media	\$0.12

46160	Telecommunication goods wholesaling	\$0.12
47930	Toy and sporting goods wholesaling	\$0.12
47991	Wholesaling—commission-based or excluding storage and handling of goods	\$0.12
81200	Justice	\$0.11
87292	Parole or probationary services	\$0.11
78510	Advertising services	\$0.10
78560	Corporate head office management services	\$0.10
78550	Management services and related consulting services	\$0.10
52510	Pharmaceutical, cosmetic, and toiletry goods retailing	\$0.10
95220	Photographic film processing	\$0.10
95230	Professional photographic services	\$0.10
66440	Customs and shipping agents and freight-forwarding services (no handling of goods)	\$0.09
84310	Higher education (undergraduate and postgraduate courses)	\$0.09
84320	Technical and vocational education and training	\$0.09
66410	Travel agency and tour arrangement services	\$0.09
91230	Cable and other subscription programming	\$0.08
86230	Dental services	\$0.08
91220	Free-to-air television broadcasting	\$0.08
92100	Libraries and archives	\$0.08
91120	Motion picture and video distribution	\$0.08
91210	Radio broadcasting	\$0.08
75190	Auxiliary finance and investment services (not elsewhere classified)	\$0.06
75200	Auxiliary insurance services	\$0.06
73210	Banking	\$0.06
73220	Building society operation	\$0.06
73100	Central banking	\$0.06
81110	Central government administration (not elsewhere classified)	\$0.06
73230	Credit union operation	\$0.06
78310	Data processing and web-hosting services	\$0.06
73290	Depository financial intermediation (not elsewhere classified)	\$0.06
78320	Electronic information storage services	\$0.06
75110	Financial asset broking services	\$0.06
73400	Financial asset investing	\$0.06
81300	Foreign government representation	\$0.06
74220	General insurance	\$0.06
86210	General practice medical services	\$0.06
74210	Health insurance	\$0.06
92110	Information services (not elsewhere classified)	\$0.06
71240	Internet service providers and web-search portals	\$0.06
74110	Life insurance	\$0.06
78530	Market research and statistical services	\$0.06
73300	Non-depository financing	\$0.06
86320	Optometry and optical dispensing	\$0.06
86220	Specialist medical services	\$0.06
74120	Superannuation funds	\$0.06
71230	Telecommunications services (not elsewhere classified)	\$0.06
71200	Wired telecommunications network operation	\$0.06
71210	Wireless telecommunications network operation (not elsewhere classified)	\$0.06
24230	Book publishing	\$0.05
24233	Directory and mailing-list publishing	\$0.05
24232	Internet publishing and broadcasting	\$0.05
24221	Magazine and other periodical publishing	\$0.05
24234	Music publishing	\$0.05
24211	Newspaper publishing	\$0.05
24231	Publishing (not elsewhere classified) (except software, music, and Internet)	\$0.05
24235	Software publishing	\$0.05
78420	Accounting services	\$0.04
78410	Legal services	\$0.04
78340	Computer systems design and related services	\$0.02

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Kelly Hanson-White

From: § 9(2)(a)@parliament.govt.nz>
Sent: Friday, 7 August 2015 1:37 p.m.
To: Kelly Hanson-White
Subject: Notes
Attachments: Document1.docx

Hi Kelly,

§ 9(2)(a) has cleared it and the bullets are going in the attached documents.

Kind regards,

§ 9(2)(a)

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OFFICIAL INFORMATION ACT

2
5

Minister,

Please note the points below have been provided to assist your reading of the material provided on industry risk.

- It is important to look at the table in light of the explanatory notes
- confidence in the accuracy of data analysis and conclusions based on that analysis weakens significantly when information is broken down to lower levels of detail (as with ANSZIC level 3), because the sample sizes are smaller. You will see that isolated 'pockets' of higher and lower risk sectors emerge in the level 3 analysis compared to the level 2. For example two sectors (orchards and nurseries) within Agriculture and three (knitted products, clothing/footwear, recorded media) within Manufacturing are not showing up on any of the four risk factors, unlike all the other sectors in those industries. And in the Information, media and telecommunication industry (generally low risk), TV broadcasting and the motion picture industry each trigger just one indicator (broadcasting alarmingly so for fatality risk). Can meaning be extracted from these particular results? Only with extreme caution, because there is no way to know whether or not these are actual effects, or outliers created by trying to break down the data into very small pieces. And that is why our advice is that the main value of data analysis at level 3 is informing the categorisation of industry risk at level 2 – this data should not be relied upon to stand alone as an accurate categorisation of risk.
- it is also worth bearing in mind that the severe injury risk is solely calculated off approved ACC entitlement claims for worker compensation. In some industries such as Agriculture, there is evidence of a strong bias against making such claims and this will have an effect on the reliability of any analysis using that data. This excerpt comes from 2009 research by the University of Otago (which involved in-depth interviews with farmers):

With respect to injury, thirteen percent (13%) of farmers from the AgriBase™ sample had had an injury, in the three months prior to interview, which had restricted their activity for a half a day or more and/or which required medical treatment from a health professional. Generally these injuries were reasonably serious and respondents reported work capacity was poor following injury. For two-thirds of those injured it was over a week before they could resume normal farming duties; yet only a third of these respondents made a claim to the Accident Compensation Corporation.

(Lovelock and Cryer 2009, University of Otago - Effective Occupational Health Interventions in Agriculture Summary Report No.5, P 14)

Kelly Hanson-White

From: Kelly Hanson-White
Sent: Wednesday, 12 August 2015 12:20 p.m.
To: s 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley; s 9(2)(a)
s 9(2)(a)
Subject: further information about industry/sector risk assessment [IN-CONFIDENCE]
Attachments: More detailed sector risk analysis data for Minister 070815.xlsx; Further information for Minister occ health and catastrophic risk assessment.docx

Hi s 9(2)(a)

Sorry a tad late!

As requested, further information attached for the Minister about how MBIE and WorkSafe NZ went about assessing the level of occupational health and catastrophic risk. This document includes information about the relative weighting given to the four risk factors, and how standardised rates of severe injury and fatality are calculated to allow meaningful (but not perfect) comparison between different sized industries.

Also attached is an updated table of the level 3 data analysis which now indicates in column A the overall risk ranking at ANZSIC level 2 which is shown in the guidance for the House document, so the Minister can more clearly see how the analysis at one level of detail has informed the conclusions drawn at the next level up.

Cheers, let me know if you need anything further.

Kel

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group

Ministry of Business, Innovation & Employment (MBIE)

[SS-03-21-03]



MINISTRY OF BUSINESS,
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Further information for Minister about industry risk rating for occupational health and catastrophic potential

Assessment of occupational health risk

1. WorkSafe NZ determined the occupational health risk rating for each industry sector (i.e., at ANZSIC level 3) in the following way.
2. Firstly, the key literature linking work-related disease with occupation and industry was reviewed and synthesised, to inform the analysis. This literature included:
 - a. the list of occupational diseases in schedule 2 of the Accident Compensation Act 2001
 - b. the list of work-related diseases published by the International Labour Organisation (ILO)
 - c. the list of diseases and industries in the 2004 NOHSAC *Burden of Occupational Disease and Injury in New Zealand (Technical Report)*
3. Secondly, two WorkSafe NZ staff with experience and expertise in occupational health independently applied the resulting synthesis to each of the NZ sectors to identify where exposures to hazards or processes presented an occupational health risk. Each sector was assigned either a 'high', 'medium', or 'low' assessment. The staff members then compared notes and accepted the assessments of sectors where both agreed on the level of risk. There was a high level of agreement in the majority of cases. Where different conclusions had been reached in relation to a small number of sectors, further discussions were held to determine the appropriate assessment. Where at least one had rated the occupational health risk as 'high', an assessment of 'high' was determined.
4. It is more common than not for 'clusters' of key risk indicators to be present in a single sector – so that a high occupational risk is often also accompanied by a higher than average severe injury or fatality risk. 39% of all industry sectors received a 'high' assessment of occupational health risk, and of these, more than half also scored a higher than average risk of either severe injury or fatality, or both.
5. There are, however, sectors where high occupational health risks appear alongside an average or lower than average risk of injury or fatality. Some examples are outlined below, with a broad description of the types of health risks present:
 - a. C117 Bakery Product Manufacturing (exposure to flour dust resulting in occupational asthma, exposure to chemicals in plant maintenance, noise)
 - b. C161 Printing (risk of chemical exposures, noise)
 - c. C213 Basic Non-Ferrous Metal Manufacturing (chemical exposures from resins in casting, machining fluids, noise)
 - d. C221 Iron and Steel Forging (exposure to extremes of temperature, chemical exposures from resins in casting, noise)

Assessment of catastrophic risk

6. The assessment of catastrophic risk at a level 3 ANZSIC sector level was undertaken by MBIE policy staff, and then verified by WorkSafe NZ high hazard unit staff. The assessment of 'yes' was assigned on the basis that the sector either:

- a. consists entirely (or almost entirely) of businesses that are particularly regulated to manage risk of catastrophic failure (such as is the case in the mining and petroleum sectors); or
- b. is likely to contain at least some businesses that will be regulated as major hazard facilities in the future, due to the amount and type of chemicals used or stored (such as geothermal power stations in the electricity supply sector, large timber treatment facilities in the manufacturing sector, or port storage facilities and large chemical tank farms in the transport and warehousing sector). In this case, an assessment of 'yes' against the sector does *not* indicate that every business operating within it has catastrophic potential, but rather that this characteristic is present within certain businesses in that sector.

Standardised rates of severe injury and fatality

7. Comparison of the severe injury and fatality indicators between different sized sectors/industries was made possible by the creation of a standardised rate. The raw data (actual number of injuries/fatalities occurring) is divided by the total number of people employed in that sector or industry and then multiplied out to a standard number to enable 'like-for-like' comparisons (for fatalities, the rate is most commonly expressed as being per 1000 employees, and for severe injuries it is per 100,000 employees).
8. The total number of people employed in a sector or industry is the only universally available denominator for this type of calculation. It cannot account for variances in hours of work (and therefore exposure to risk) between industries, but is widely used as the best proxy available.

Weighting of the four key risk indicators

9. WorkSafe NZ and MBIE did not accord the four risk factors an equal or static weighting in this process, and consideration of their cumulative effect is not a simple mathematical exercise. Assessments of occupational health and catastrophic risk are necessary to fully estimate the risk profile of a sector, to complement the 'harder' data provided in relation to severe injury and fatality.
10. However, the overall assessment of 'high risk' at sector level was made in the first instance on the basis of fatality, followed by severe injury, and third on the basis of risk of exposure to occupational health hazards. The fourth indicator of catastrophic risk potential served to move the assessment of an industry into the highest risk category if it had not already been assigned there on the basis of the other three indicators.
11. MBIE and WorkSafe NZ applied the four risk factors in relation to ANZSIC level 3 data. This was desirable to ensure the analysis adequately took into account the processes and working environments involved in different sectors (for example, between the meat product manufacturing sector compared with the reproduction of recorded media sector, both of which are part of the manufacturing industry but look very different). Disaggregating the data to this level of detail, however, means that the sample size becomes too small to draw robust conclusions about the level of risk present in any one particular sector. Therefore, the only valid use of sector data analysis at ANZSIC level 3 is to inform the determination of overall industry risk ranking at level 2 ANZSIC.

Kelly Hanson-White

From: § 9(2)(a) @parliament.govt.nz>
Sent: Thursday, 13 August 2015 5:49 p.m.
To: Kelly Hanson-White
Cc: Bronwyn Turley; § 9(2)(a)
§ 9(2)(a)
Subject: RE: further information about industry/sector risk assessment [IN-CONFIDENCE]

Hi Kelly,

The Minister has further requests regarding this data. I've explained it as well as I can below, but give me a call if anything doesn't make sense.

- He wants to know the criteria for assigning 'low, medium or high' to industries for rating occupational health.
- Can we send the weighting given to the key risk indicators (for the Level 3 data) and if possible, the math used?
- In the 'Further information for Minister about industry risk rating', para 5, what is the data to back up the poor occ health records for the four examples given?
- Can we have another version of the table that includes all of column A, B, C, D, E and F, and then two additional columns that divide fatalities and severe injuries by the number of employees (so gives an indication of the size of the industry).

On a semi-related note, can we have the rates of quad bike deaths over the 2008-2013 period?

Sorry for the extra work! Can you let me know when you think you would be able to get this to back to us?

Many thanks,

§ 9(2)(a) Private Secretary – Workplace Relations and Safety
Office of Hon Michael Woodhouse | Parliament Buildings, Wellington
DDI: § 9(2)(a) | Mobile: § 9(2)(a)
Email: § 9(2)(a)

Out of scope





BRIEFING

Health and Safety Reform Bill Implementation

Date:	14 August 2015	Priority:	High
Security classification:	In Confidence	Tracking number:	0499 15-16

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister for Workplace Relations and Safety	Out of scope	17 August 2015

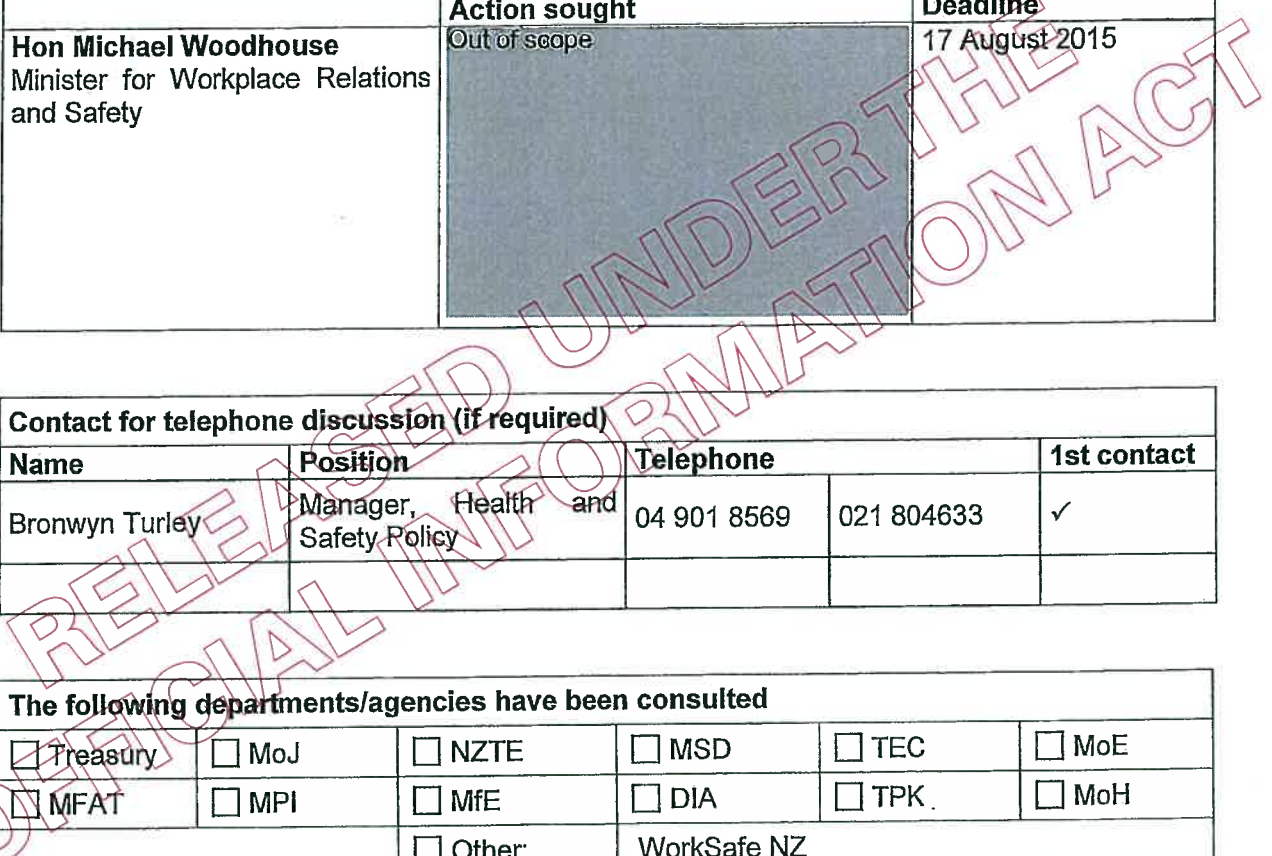
Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Bronwyn Turley	Manager, Health and Safety Policy	04 901 8569	021 804633	✓

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:		WorkSafe NZ			

Minister's office to complete:

- | | |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments:





BRIEFING

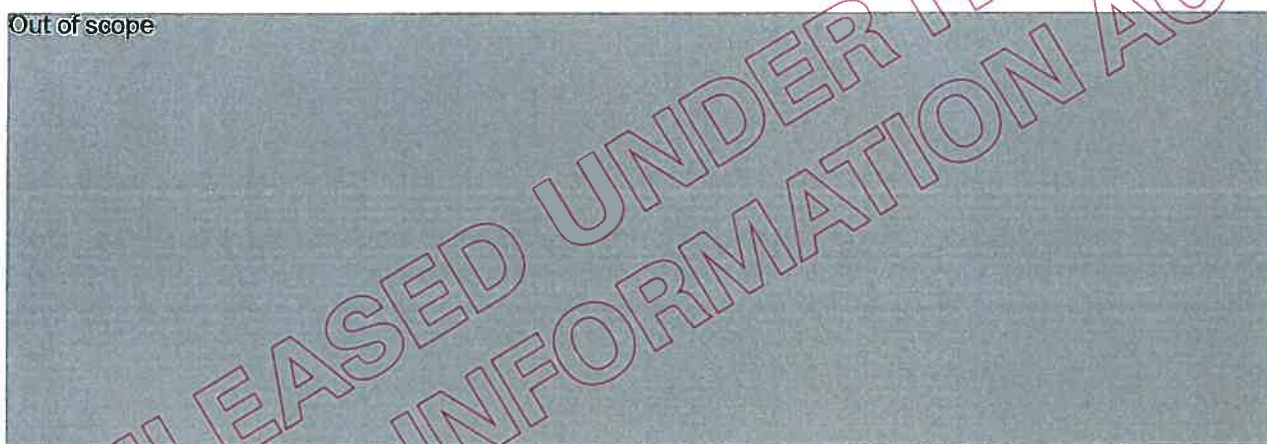
Health and Safety Reform Bill Implementation

Date:	14 August 2015	Priority:	High
Security classification:	In Confidence	Tracking number:	0499 15-16

Purpose

To provide you with information about next steps and milestones for the implementation of the new Health and Safety at Work Act (the new Act).

Out of scope



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Bronwyn Turley
Manager, Health and Safety Policy
..... / /

Hon Michael Woodhouse
Minister for Workplace Relations and Safety
..... / /

Out of scope

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Worker Participation Regulations

8. The regulations to support the Worker Participation framework in the new Act are currently in draft. Once we have agreement about the approach to be taken to defining high risk sectors we can proceed with releasing an exposure draft of the regulations.

9. Many of the provisions of the regulations are procedural and should be reasonably straightforward. However the regulations will also include the definition of "high risk" industries for the purposes of the small business worker representative exclusion. This is likely to attract considerable stakeholder attention and interest.
10. We are proposing to seek your agreement to release an exposure draft of the regulations by the end of August 2015, for a period of four weeks. This will enable policy on the regulations to be finalised to feed into a Cabinet paper to be submitted and agreed by the end of November this year. Decisions this year are important to both enable WorkSafe NZ to develop a Code of Practice and guidance for business, and to enable Safety N Action, the health and safety representative training provider, to develop its course content for delivery of training in early 2016.

Out of scope

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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Friday, 14 August 2015 10:00 a.m.
To: s 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley; s 9(2)(a)
s 9(2)(a)
Subject: RE: further information about industry/sector risk assessment [IN-CONFIDENCE]

Hi s 9(2)(a)

We'll get back to you as soon as possible today on the bulk of this, but there are some immediate answers I can provide to parts of your request.

In relation to your second bullet point, the documents we've provided to date have endeavoured to make it clear that this process is neither mathematical or scientific. This is because it requires informed judgements to be made (by knowledgeable people) in light of both hard and soft data in order to be as accurate as possible. See paras 5 and 10 in the *Guidance to the House* document, and paras 9-11 in the *Further information for Minister about industry risk rating for occupational health and catastrophic potential* document. I'm not sure what else we could give the Minister to satisfy him in this regard.

I'll give you a call in a while (after a coffee!!) to talk through what you want with the level 3 data table, because columns D and E in the most recent version of that table already provide information about industry size (estimated number of businesses and the number of employees). We can definitely replace the A-D ratings in columns H and I with the actual numbers to represent the fatality and injury rates if that is what the Minister wants. However, we note that these numbers can be highly misleading unless you have a really good understanding of statistics, outliers, the effect of sample sizes and what happened over the time period that the data represents (which is why we haven't put them in to date).

And finally, we can definitely provide you with the numbers of quad bike fatalities, but meaningful rates can't be calculated because of the small number and lack of data to inform the right denominator (you'd want the rate to show the number of quad bike fatalities as a proportion of quad bike riding farmers rather than all farmers because otherwise you wouldn't get the true picture – and there's no way of collecting that information).

Cheers
Kel

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group
Ministry of Business, Innovation & Employment (MBIE)
[SS-03-21-03]



kelly.hanson-white@mbie.govt.nz | Telephone: +64 s 9(2)(a)
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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Friday, 14 August 2015 11:26 a.m.
To: § 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley; § 9(2)(a)
§ 9(2)(a)
Subject: RE: further information about industry/sector risk assessment [IN-CONFIDENCE]
Attachments: ANZSIC level 3 sector risk analysis data 140815.xlsx

Hi again § 9(2)(a)

Attached is the revised table showing the standardised injury and fatality rates as requested. Please note again my earlier caveat about how misleading this information can be to the uninitiated.

Also see below the information for your first and fourth bullet points:

The criteria for assigning 'low, medium or high' to industries for rating occupational health

There is very little industry specific data for occupational health in New Zealand. The rankings were put together by the panel of experts in WorkSafe we have previously referred to, based on the type of *hazards* prevalent in those industries, and the disease outcomes that could result from uncontrolled exposure to hazards in those sectors. The assessment of the type of hazard and the disease outcomes is based on literature and research.

The **high** ranking was applied to industries where there was *a risk of exposure to hazards that could lead to diseases resulting in fatality* such as cancer, respiratory diseases such as COPD or asthma, or neurological diseases such as chronic solvent neurotoxicity.

The **medium** ranking was applied to industries where there was *a risk of exposure to hazards that could lead to debilitating but not necessarily fatal diseases* such as dermatitis, musculoskeletal disorders, or noise induced hearing loss.

All other sectors were given a **low** ranking on the basis that no industry is entirely free of hazards that can cause disease.

Data to back up the poor occupational health records for the four examples given

These examples were given on the basis of the type of exposure to disease causing hazards or risks that are prevalent in that industry, not on the basis of actual cases of disease caused. As previously noted, there is a lack of reliable hard data about the actual occurrence or prevalence of occupational disease in New Zealand industries.

It is widely accepted across international jurisdictions that estimation techniques such as this are necessary in order to try and quantify the burden of occupational disease in a given population. In the absence of reliable data about actual cases, information about known hazards and disease effects is extrapolated out, based on known population demographics. This same methodology informs the commonly cited figure of an estimated 600-800 deaths per year resulting from occupational disease in New Zealand.

To reiterate from my previous email about any mathematical 'weighting' of risk factors - no mathematical formula was used. This is because the process requires informed judgements to be made (by knowledgeable people) in light of both hard and soft data in order to be as accurate as possible. As noted in the *Further information for Minister about industry risk rating for occupational health and catastrophic potential* document, the ratings were determined in the first instance on the basis of fatality risk, followed by severe injury risk, then occupational disease risk and finally catastrophic potential risk - but this does not mean that each factor was accorded a separate and identifiable numerical weighting.

Let me know if you need anything else - there's just the quad bike death stuff left to come directly from WorkSafe NZ, by my reckoning!

Cheers
Kelly

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group

Ministry of Business, Innovation & Employment (MBIE)

[SS-03-21-03]



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HURIA WĀKARANGATU

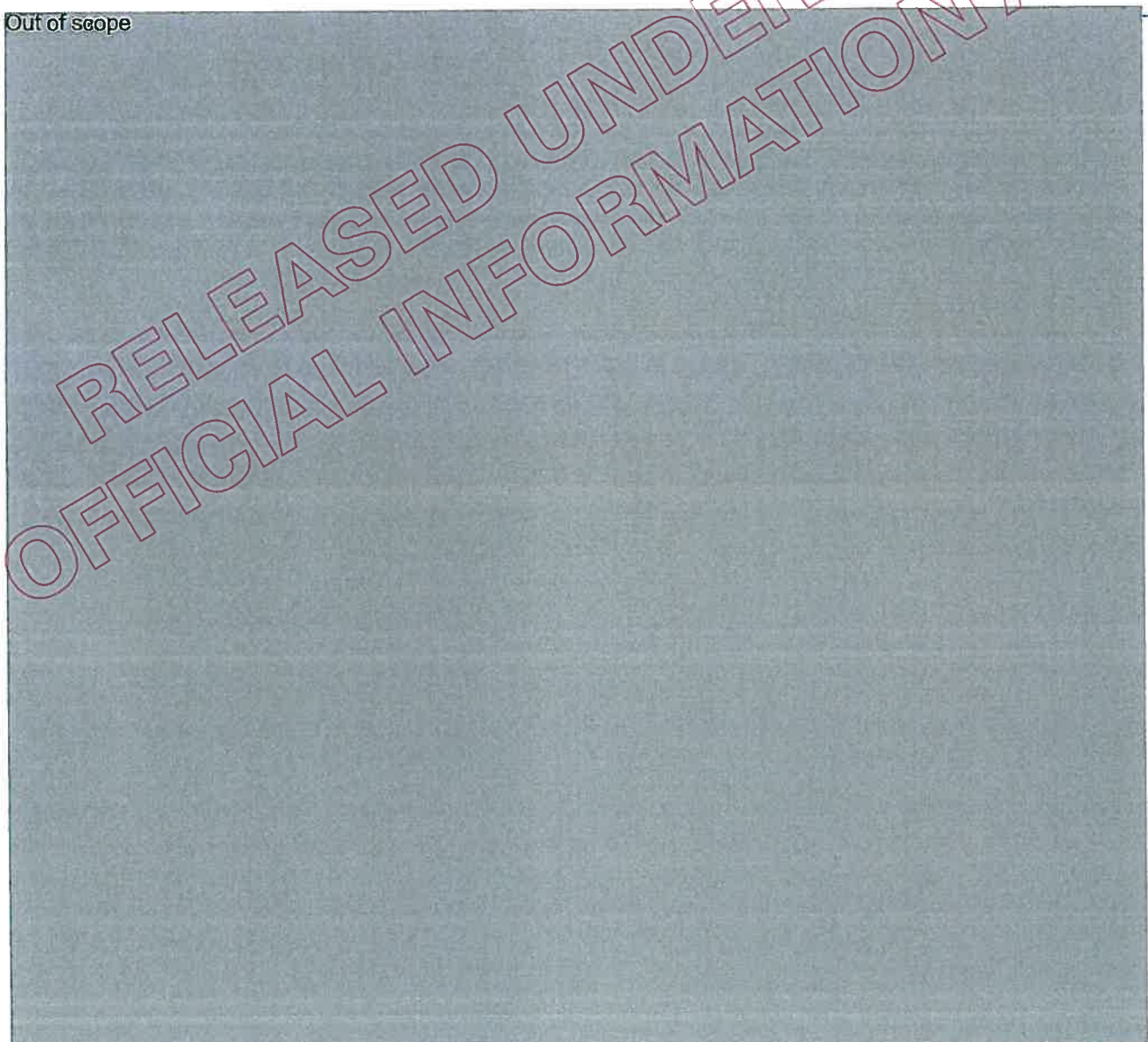


kelly.hanson-white@mbie.govt.nz | Telephone: +64 9 (2)(a)

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Out of scope



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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Friday, 14 August 2015 1:58 p.m.
To: s 9(2)(a) [Minister's Office]
Cc: Bronwyn Turley; s 9(2)(a)
Subject: query about risk ranking of D28 and D29 industry sectors [UNCLASSIFIED]
Attachments: More detailed sector risk analysis data for Minister 120815.xlsx

Hi s 9(2)(a)

I've had a quick check with the relevant personnel in the High Hazard Unit about whether the catastrophic risk ranking of N for

- D281 Water Supply, Sewerage and Drainage Services
- D291 Waste Collection Services; and
- D292 Waste Treatment, Disposal and Remediation Services

is accurate. The answer to that is yes – so the far right hand column of that table is correct.

I've therefore had a subsequent check with WorkSafe NZ personnel who assisted in the overall ranking of the other three risk factors, to see what overall ranking they would be assigning to D28 and D29 (to correct the far left hand column of the table).

On reviewing this again, they would actually scale the occupational health risk rating for D281 and D291 up from 'medium' to 'high', and would therefore still rank D28 and D29 as a 1 – it would just be coloured red instead of brown.

I have updated the table to reflect this information and attached it for your reference.

This shows how difficult this task has been, and I realise it may be terribly frustrating for the Minister because he'll just think we're making up our minds as we go along and it changes every time we look again. But the point is that it is a complex matter.

To help illustrate what we're really talking about, below is the full list of ANZSIC primary activities that are coded against those three sub-sectors.

This level of detail sits two steps below the level 3 description (so it is definitely impossible to define high risk using this information!), but it does provide quite a bit of insight into the kinds of work that actually happen in this area.

Asbestos removal service
Bin hiring and waste collection service
Dam operation (water supply)
Desalination plant operation
Garbage collection service
Garbage disposal service
Hazardous material removal
Hazardous waste (except solid) collection service
Hazardous waste treatment or disposal service
Hazardous waste, solid, collection service
Industrial waste (except solid) collection service
Industrial waste, solid, collection service
Lead paint abatement service
Liquid waste collection service
Liquid waste haulage service (local)
Materials recovery station operation
Materials separating and sorting operation
Metal barrel/skip hiring and waste collection service
Mine reclamation activities

Mineral water supply from the ground
Night soil collection service
Oil collection service
Operating landfills
Operating other waste treatment facilities
Portable toilet hiring and waste collection service
Remediation service, environmental
Rubbish collection service
Rubbish dump or tip operation
Sanitary disposal service
Septic tank pumping or cleaning service (except repairs and maintenance)
Septic tank waste collection service (except repairs and maintenance)
Sewage pumping station operation
Sewage treatment plant operation
Sewerage system operation
Solid waste collection service
Solid waste haulage service (local)
Stormwater drainage system operation
Town drainage system operation
Toxic material abatement
Waste collection service n.e.c.
Waste remediation
Waste, solid, collection service
Water distribution by pipelines
Water filtration plant operation
Water reservoir operation
Water supply for irrigation
Water supply pumping station operation
Water supply system operation

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Ministry of Business, Innovation & Employment (MBIE)

[SS-03-21-03]



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The information contained in this document is intended only for the addressee and is not necessarily the views nor the official communication of the Ministry of Business, Innovation & Employment.

Explanatory notes

Column A shows the ANZSIC 2006 level 2 overall risk ranking, as indicated in the guidance in the House document, for comparison

Demographic information (columns B-E)

Column A shows ANZSIC 2006 levels 1 and 2 classifications for context.

Column C describes each sector at ANZSIC 2006, level 3. There are a total of 214 industry sector codes at level 3 ANZSIC. However, this table accounts for only 212 industry sectors. This is because:

- O762 State Government Administration is not applicable in New Zealand; and
- there are no ACC claims data for S960 Private Households Employing Staff.

Column D provides the total number of enterprises in each sector. The data source is Statistics NZ business demography data, but note that this type of analysis at ANZSIC06 level 3 detail is less robust than at higher levels.

Column E provides the annual employee count for each sector. The data source is Statistics NZ LEED data and MBE's detailed employment estimates. It provides an indication about the size of the workforce in that sector over the time period the injury data was considered, but note that this type of analysis at ANZSIC06 level 3 detail is less robust than at higher levels.

Raw Data (columns F and G)

The data source for these columns is WorkSafe NZ's SWIFT database. This database is itself an amalgam of two data sources:

1. WorkSafe New Zealand's fatality register
 2. Approved ACC work-related injury claims (including fatalities).
- Duplicate data is removed (i.e. where a fatality is represented in both sources), and the fatality definitions are aligned to match the official WorkSafe New Zealand fatality reduction target (bystanders, children, and volunteer workers are excluded, maritime, aviation, and transport fatalities are included).

Column F indicates the actual number of fatalities recorded in SWIFT against each sector for the period beginning January 2008 until December 2013.

Column G indicates the actual number of severe injuries recorded in SWIFT against each sector for the period beginning January 2008 until December 2013. For the purposes of this analysis, severe injuries include approved ACC entitlement claims that involve the payment of weekly compensation (i.e. where the employee is off work for a period of longer than a week due to their injury)

Analysis of key risk indicators (columns H-K)

The data in columns E, F and G were used to calculate rates of fatality and severe injury, to allow side-by-side comparison between sectors. Analysis resulting from that comparison is shown in columns G and H.

Column H indicates the relative risk of fatality, and Column I indicates the relative risk of severe injury in each sector.

This indicative data shows in which sectors workers are exposed to risk at levels:

A	greater than three times the average (for severe injury), and greater than four times the average (for fatality)
B	greater than twice the average and up to three times the average (for severe injury), or up to four times the average (for fatality)
C	greater than average and up to twice the average
D	either average or lower than average

Column J indicates an assessment of known occupational health risks in each sector – high, medium, or low

Column K indicates an assessment about whether a risk of catastrophic harm (potential for multiple fatalities or severe injuries from a single low frequency event) is present in each sector – yes or no.

1	A	B	C	D	E	F		G	H	I			K
						# enterprises	average # employees (2008 - 2013)			# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk	
1	ANZSIC level 2 risk ranking		Demographic information										
2	ANZSIC06 Levels 1 & 2		ANZSIC06 Level 3										
3	A Agriculture, Forestry and Fishing												
4	A01		A01 Nurseries and Fibre Production	1185	5718	1	321	D	D	D	Med	N	
5	Agriculture		A012 Mushroom and Vegetable Growing	1126	7700	0	635	D	D	C	Med	N	
6			A013 Fruit and Tree Nut Growing	8050	22984	6	1180	D	D	D	Med	N	
7			A014 Sheep, Beef Cattle and Grain Farming	24726	33984	24	3432	C	C	C	High	N	
8			A015 Other Crop Growing	2149	1365	3	36	C	A	D	High	N	
9			A016 Dairy Cattle Farming	15190	40186	39	6002	B	B	B	High	N	
10			A017 Poultry Farming	342	1944	0	171	D	D	C	High	N	
11			A018 Deer Farming	1070	1576	0	112	D	D	C	High	N	
12			A019 Other Livestock Farming	3327	4106	11	1039	D	A	A	High	N	
13		A02	A020 Aquaculture	255	845	0	151	D	D	B	Med	N	
14		A03	A030 Forestry and Logging	4274	5835	27	1068	A	A	B	High	N	
15		A04	A041 Fishing	1259	3559	7	543	A	A	B	High	N	
16		Fishing, Hunting	A042 Hunting and Trapping	148	278	1	102	A	A	A	Low	N	
17		A05	A051 Forestry Support Services	474	3403	2	386	C	C	C	Med	N	
18		Support Services	A052 Agriculture and Fishing Support Services	5405	29820	16	2874	C	C	C	Med	N	
19		B Mining											
20		B06	B060 Coal Mining	22	1499	29	172	A	A	C	High	Y	
21		B07	B070 Oil and Gas Extraction	46	613	0	17	D	D	D	High	Y	
22		B08	B080 Metal Ore Mining	103	1032	0	75	D	D	C	High	Y	
23		B09	B091 Construction Material Mining	187	1918	1	190	C	C	C	High	N	
24		Non-metallic, quarrying	B099 Other Non-Metallic Mineral Mining and Quarrying	22	107	0	14	D	D	B	High	Y	
25		B10	B101 Exploration	111	496	0	16	D	D	D	Med	Y	
26		Exploration and services	B109 Other Mining Support Services	183	1211	0	86	D	D	C	Med	Y	
27		C Manufacturing											
28		C11	C111 Meat and Meat Product Manufacturing	217	30776	0	9843	D	D	A	High	N	
29		Food Product Manufacturing	C112 Seafood Processing	60	6034	2	901	D	D	B	High	N	
30			C113 Dairy Product Manufacturing	118	9620	0	1537	D	D	B	High	N	
31			C114 Fruit and Vegetable Processing	67	4983	1	449	D	D	C	High	N	
32			C115 Oil and Fat Manufacturing	38	355	0	92	D	D	A	High	N	
33			C116 Grain Mill and Cereal Product Manufacturing	31	945	0	163	D	D	B	High	N	
34			C117 Bakery Product Manufacturing	1263	12696	1	717	D	D	D	High	N	
35			C118 Sugar and Confectionery Manufacturing	95	1856	0	126	D	D	D	High	N	
36			C119 Other Food Product Manufacturing	534	7871	0	455	D	D	D	High	N	
37			C121 Beverage Manufacturing	535	7616	0	408	D	D	D	High	N	
38	5	Beverage, Tobacco	C122 Cigarette and Tobacco Product Manufacturing	1	146	0	5	D	D	D	High	N	
39			C131 Textile Fibre, Yarn and Woven Fabric Manufacturing	44	2165	0	261	D	D	C	High	N	
40		Textile, leather, clothing, footwear	C132 Leather Tanning and Fur Dressing	77	1713	0	291	D	D	B	High	N	
41			C133 Textile Product Manufacturing	589	4163	0	313	D	D	C	Med	N	
42			C134 Knitted Product Manufacturing	42	984	0	27	D	D	D	Med	N	
43			C135 Clothing and Footwear Manufacturing	660	5691	0	98	D	D	D	Med	N	
44			C141 Log Sawmilling and Timber Dressing	325	8234	4	1278	C	B	B	High	N	
45		Wood Product	C149 Other Wood Product Manufacturing	1230	11271	3	1121	D	D	C	High	N	
46			C151 Pulp, Paper and Paperboard Manufacturing	13	1841	1	125	C	C	C	High	Y	
47		Pulp, Paper etc	C152 Converted Paper Product Manufacturing	51	3236	0	270	D	D	C	Med	Y	
48			C161 Printing	1128	11009	1	359	D	D	D	High	N	

A	B	C	D	E	F	G	H	I	J	K	
ANZSIC level 2 risk ranking	ANZSIC06 Levels 1 & 2	Demographic information	# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment	
1	ANZSIC level 2 risk ranking										
2	ANZSIC06 Levels 1 & 2	ANZSIC06 Level 3	81	183	0	4	D	D	Low	N	
49	Printing	C162 Reproduction of Recorded Media	30	1374	0	24	D	D	High	Y	
50	C17	C170 Petroleum Refining and Petroleum and Coal Product Manufacturing	31	819	0	31	D	D	High	Y	
51	C18	C181 Chemical Manufacturing	46	1009	0	36	D	D	High	Y	
52	Basic Chemical and Chemical Product	C182 Basic Polymer Manufacturing	61	1292	0	76	D	D	High	Y	
53		C183 Fertiliser and Pesticide Manufacturing	102	2229	1	95	C	D	High	Y	
54		C184 Pharmaceutical and Medicinal Product Manufacturing	134	1424	0	66	D	D	High	Y	
55		C185 Cleaning Compound and Toliery Preparation/Manufacturing	56	352	0	46	D	B	High	Y	
56	C19	C189 Other Basic Chemical Product Manufacturing	507	11822	2	830	D	C	High	Y	
57		Polymer, Rubber	C191 Polymer Product Manufacturing	37	681	0	40	D	D	High	Y
58	C20	C192 Natural Rubber Product Manufacturing	128	1817	0	218	D	C	High	N	
59		Glass and Glass Product Manufacturing	121	588	0	44	D	C	Med	N	
60	Non-Metallic Mineral	C202 Ceramic Product Manufacturing	279	5132	3	564	C	C	Med	N	
61		Lime, Plaster and Concrete Product Manufacturing	140	705	0	86	D	C	Med	N	
62	C21	C209 Other Non-Metallic Mineral Product Manufacturing	87	1732	0	158	D	C	High	N	
63		Basic Ferrous Metal Manufacturing	44	740	0	130	D	B	High	N	
64		Basic Ferrous Metal Product Manufacturing	21	1235	0	33	D	D	High	N	
65		Basic Non-Ferrous Metal Manufacturing	48	1372	0	105	D	C	High	N	
66		Basic Non-Ferrous Metal Product Manufacturing	26	222	0	1	D	D	High	N	
67		Iron and Steel Forging	C221 Iron and Steel Forging	870	11570	3	1116	D	C	High	N
68		Fabricated Metal Product	C222 Structural Metal Product Manufacturing	55	1425	0	125	D	C	High	N
69			Metal Container Manufacturing	317	3185	0	471	D	B	High	N
70		C23	C224 Other Sheet Metal Product Manufacturing	1303	9661	0	1718	D	B	High	N
71			Other Fabricated Metal Product Manufacturing	521	4213	1	478	D	C	High	N
72	C24	C231 Motor Vehicle and Motor Vehicle Part Manufacturing	900	10077	3	868	D	C	High	N	
73		Transport Equipment	333	3828	0	26	D	D	High	N	
74	C25	C239 Other Transport Equipment Manufacturing	265	4077	0	55	D	D	High	N	
75		Machinery and Equipment	239	3451	0	187	D	D	High	N	
76	C24	C241 Professional and Scientific Equipment Manufacturing	84	1453	0	91	D	D	High	N	
77		Electrical Equipment Manufacturing	74	1377	0	79	D	D	High	N	
78	C25	C244 Domestic Appliance Manufacturing	509	4995	0	531	D	C	High	N	
79		Pump, Compressor, Heating and Ventilation Equipment Manufacturing	1947	11978	0	581	D	D	High	N	
80	C25	C246 Specialised Machinery and Equipment Manufacturing	1323	7784	1	709	D	C	High	N	
81		Furniture and Equipment Manufacturing	878	3757	5	520	B	B	Med	N	
82	D	C251 Furniture Manufacturing	65	1596	1	30	C	D	Med	Y	
83		Other Manufacturing	3	674	4	18	A	D	Med	Y	
84	D26	D261 Electricity Generation	23	2656	0	36	D	D	Med	Y	
85		Electricity Transmission	31	1269	0	10	D	D	Low	Y	
86	D27	D263 Electricity Distribution	9	388	0	0	D	D	Med	Y	
87		On Selling Electricity and Electricity Market Operation	152	1686	1	320	C	B	High	N	
88	D28	D270 Gas Supply	391	2298	8	194	D	C	High	N	
89		Water Supply, Sewerage and Drainage Services	330	3431	3	661	B	B	Med	N	
90	D29	D281 Water Supply, Sewerage and Drainage Services	16255	35089	8	4555	D	B	High	N	
91		Waste Collection Services	1319	12764	7	1238	C	C	High	N	
92	E	D292 Waste Treatment, Disposal and Remediation Services	330	3431	3	661	B	B	Med	N	
93		Construction	16255	35089	8	4555	D	B	High	N	
94	E30	E301 Residential Building Construction	1319	12764	7	1238	C	C	High	N	
94		Building Construction	1319	12764	7	1238	C	C	High	N	
94	E302	E302 Non-Residential Building Construction	1319	12764	7	1238	C	C	High	N	
94		Building Construction	1319	12764	7	1238	C	C	High	N	

1	A	B	C				D	E	F		G	H	I			K
			Demographic information						Raw data				Analysis of key risk indicators			
	ANZSIC level 2 risk ranking		# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative fatality risk rating of	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment						
2		ANZSIC06 Levels 1 & 2														
95		E310 Heavy and Civil Engineering Construction	1363	31063	16	2910	C	C	High	N						
96		E321 Land Development and Site-Preparation Services	3550	10442	5	1321	C	C	Med	N						
97		E322 Building Structure Services	3214	10753	2	1661	D	B	High	N						
98		E323 Building Installation Services	10575	39197	4	3357	D	C	High	N						
99		E324 Building Completion Services	10012	26410	0	3238	D	C	High	N						
100		E329 Other Construction Services	3892	14967	12	1815	B	C	High	N						
101		F Wholesale trade														
102		F331 Agricultural Product Wholesaling	795	4977	0	306	D	D	Med	N						
103	6	F33 Basic Material	807	7994	2	463	D	D	Med	N						
104		F333 Mineral, Metal and Chemical Wholesaling	1105	9180	0	562	D	D	Med	N						
105		F34 Machinery, Equipment	1107	11779	0	609	D	D	Med	N						
106	6	F341 Specialised Industrial Machinery and Equipment Wholesaling	2304	21379	0	215	D	D	Med	N						
107	6	F35 Motor Vehicle and Motor Vehicle Parts Wholesaling	1448	8234	0	389	D	D	Med	N						
108	4	F350 Grocery, Liquor and Tobacco Product Wholesaling	2124	22819	2	1627	D	C	Med	N						
109		F371 Textile, Clothing and Footwear Wholesaling	908	4876	0	76	D	D	Med	N						
110	6	F372 Pharmaceutical and Toilet Goods Wholesaling	410	5705	0	88	D	D	Med	N						
111		F373 Furniture, Floor Coverings and Other Goods Wholesaling	4200	18241	0	529	D	D	Med	N						
112	6	F380 Commission-Based Wholesaling	777	2985	1	67	D	D	Low	N						
113		G Retail trade														
114	6	G391 Motor Vehicle Retailing	1792	12427	0	505	D	D	Low	N						
115		G392 Motor Vehicle Parts Retailing	667	4773	0	329	D	D	Low	N						
116	6	G40 Fuel Retailing	627	9922	0	269	D	D	Low	N						
117		G41 Supermarket and Grocery Stores	2855	59732	1	3913	D	D	Low	N						
118	6	G411 Specialised Food Retailing	2894	12706	1	586	D	D	Low	N						
119		G42 Furniture, Floor Coverings, Houseware and Textile Goods Retailing	1543	9462	0	391	D	D	Low	N						
120		G421 Furniture, Floor Coverings, Houseware and Textile Goods Retailing	1291	9431	0	182	D	D	Low	N						
121		G422 Electrical and Electronic Goods Retailing	1288	19341	0	622	D	D	Low	N						
122	6	G423 Hardware, Building and Garden Supplies Retailing	1874	11933	0	219	D	D	Low	N						
123		G424 Recreational Goods Retailing	2788	25288	0	312	D	D	Low	N						
124		G425 Clothing, Footwear and Personal Accessories Retailing	0	17066	1	768	D	D	Low	N						
125		G427 Pharmaceutical and Other Store-Based Retailing	5889	26504	0	597	D	D	Low	N						
126	6	G43 Non-Store Retailing	1633	3431	0	51	D	D	Low	N						
127		G432 Retail Commission-Based Buying and/or Selling	345	248	0	16	D	D	Low	N						
128		H Accommodation & food services														
129	6	H440 Accommodation	4405	35086	0	1198	D	D	Low	N						
130		H45 Cafes, Restaurants and Takeaway Food Services	11496	98408	0	2601	D	D	Med	N						
131	6	H452 Pubs, Taverns and Bars	1229	14942	2	522	D	D	Med	N						
132		H453 Clubs (Hospitality)	389	3308	0	159	D	D	Med	N						
133		I Transport, postal, & warehousing														
134	7	I46 Road Freight Transport	3972	28890	18	5110	C	B	Med	Y						
135		I46 Road Passenger Transport	3820	11953	1	819	D	D	Med	Y						
136	1	I47 Rail Freight Transport	1	1234	1	127	B	C	Med	Y						
137		I472 Rail Passenger Transport	0	845	0	12	D	D	Med	Y						
138	1	I481 Water Freight Transport	93	1022	0	0	D	D	Med	Y						
139		I482 Water Passenger Transport	80	1239	0	87	D	D	Med	Y						
140	1	I490 Air and Space Transport	309	10528	15	692	B	D	Med	Y						

ANZSIC level 2 risk ranking	ANZSIC Levels 1 & 2	B	C Demographic information				D		E		F Raw data		G			H			I			J			K
			# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment															
2	ANZSIC06 Levels 1 & 2																								
141	150	ANZSIC06 Level 3	546	2074	1	28	C	D	Med	Y															
142	Other Transport	1501 Scenic and Sightseeing Transport	387	825	0	299	D	A	Med	Y															
143	151	1510 Postal and Courier Pick-up and Delivery Services	3184	15653	0	1506	D	C	Med	N															
144	152	1520 Water Transport Support Services	258	4905	8	658	A	B	Med	N															
145	Transport Support	1522 Air Transport Support Services	74	2377	0	91	D	D	Med	N															
146	153	1529 Other Transport Support Services	778	8256	4	764	C	C	Med	N															
147	153	1530 Warehousing and Storage Services	462	6504	0	360	D	D	Med	Y															
148	J Information media & Telecommunication																								
149	J54	J541 Newspaper, Periodical, Book and Directory Publishing	742	10065	1	51	D	D	Low	N															
150	J54	J542 Software Publishing	108	143	0		D	D	Low	N															
151	J55	J551 Motion Picture and Video Activities	2877	9240	0	127	D	D	High	N															
152	J55	J552 Sound Recording and Music Publishing	200	277	0	3	D	D	Low	N															
153	J56	J561 Radio Broadcasting	124	2620	0	6	D	D	Low	N															
154	Broadcasting	J562 Television Broadcasting	44	3611	9	33	A	D	Low	N															
155	J57	J570 Internet Publishing and Broadcasting	108	127	0		D	D	Low	N															
156	J58	J580 Telecommunications Services	375	11720	0	221	D	D	Low	N															
157	J59	J591 Internet Service Providers and Web Search Portals	225	976	0	14	D	D	Low	N															
158	Internet Service Providers	J592 Data Processing, Web Hosting and Electronic Information Storage Services	240	3194	0	18	D	D	Low	N															
159	J60	J601 Libraries and Archives	28	4525	0	37	D	D	Low	N															
160	Library, Other Information	J602 Other Information Services	39	41	0		D	D	Low	N															
161	K Financial & insurance services																								
162	K62	K621 Central Banking	2	325	0	10	D	D	Low	N															
163	Finance	K622 Depository Financial Intermediation	76	27564	3	141	D	D	Low	N															
164		K623 Non-Depository Financing	533	2248	0	3	D	D	Low	N															
165		K624 Financial Asset Investing	25192	5215	0	72	D	D	Low	N															
166	K63	K631 Life Insurance	36	3477	0	7	D	D	Low	N															
167	Insurance, Super	K632 Health and General Insurance	127	7661	0	59	D	D	Low	N															
168		K633 Superannuation Funds	404	18	0	1	D	D	Low	N															
169	K64	K641 Auxiliary Finance and Investment Services	3134	10403	7	75	C	D	Low	N															
170	Auxiliary Services	K642 Auxiliary Insurance Services	2077	6549	2	33	D	D	Low	N															
171	L Rental, hiring, & real estate																								
172	L66	L661 Motor Vehicle and Transport Equipment Rental and Hiring	1437	3948	1	172	D	D	Low	N															
173	Rental and Hiring	L662 Farm Animal and Bloodstock Leasing	516	226	0	78	D	A	Low	N															
174		L663 Other Goods and Equipment Rental and Hiring	2590	8270	0	463	D	D	Low	N															
175		L664 Non-Financial Intangible Assets (Except Copyrights) Leasing	906	1386	0	12	D	D	Low	N															
176	L67	L671 Property Operators	90519	16487	0	552	D	D	Low	N															
177	Real Estate	L672 Real Estate Services	9853	20760	0	212	D	D	Low	N															
178	M Professional, scientific, & technical																								
179	M69	M691 Scientific Research Services	572	8791	0	97	D	D	Med	N															
180	Professional, Science and Technical	M692 Architectural, Engineering and Technical Services	11825	40700	1	788	D	D	Med	N															
181		M693 Legal and Accounting Services	7906	40460	0	103	D	D	Med	N															
182		M694 Advertising Services	1622	6517	0	45	D	D	Med	N															
183		M695 Market Research and Statistical Services	305	4754	0	19	D	D	Med	N															
184		M696 Management and Related Consulting Services	17285	59462	0	444	D	D	Med	N															
185		M697 Veterinary Services	575	4721	0	157	D	D	Med	N															
186		M699 Other Professional, Scientific and Technical Services	1609	3116	0	72	D	D	Med	N															

1	A	B	C			D	E	F		G	H			J	K
			Demographic information					Raw data			Analysis of key risk indicators				
	ANZSIC level 2 risk ranking		# enterprises	average # employees (2008-2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative fatality risk	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment					
2	ANZSIC06 Levels 1 & 2														
187	6	M70	10017	30789	0	67	D	D	Low	N					
188		IV Administrative & support services													
189		N72	1248	43645	1	2749	D	D	Low	N					
190	6	Administrative	1635	8008	0	76	D	D	Low	N					
191			5438	27612	0	372	D	D	Low	N					
192	4	N73	7086	27328	1	2714	D	C	High	N					
193		Cleaning, Packaging	98	12067	0	32	D	D	High	N					
194		O Public administration & safety													
195		O75	21	30113	0	484	D	D	Med	N					
196	6	Public Administration	8	19733	1	349	D	D	Med	N					
197			0	3675	1	17	D	D	Med	N					
198	5	O76	0	13120	5	187	D	D	High	N					
199			873	32955	5	2736	D	C	High	N					
200	4	Public Order, Regulatory	105	6556	1	196	D	D	High	N					
201		P Education & training													
202	6	P80	1233	21036	0	570	D	D	Med	N					
203		Preschool, School	1142	95452	4	1343	D	D	Med	N					
204	6	P81	442	46523	0	434	D	D	Med	N					
205			2814	14894	6	205	C	D	Low	N					
206	4	P82	400	2968	0	8	D	D	Low	N					
207		Q Health care & social assistance													
208	5	Q84	39	65383	1	3631	D	D	High	N					
209			6026	16649	5	95	D	D	High	N					
210	4	Medical and Other Health Care	168	4547	0	62	D	D	High	N					
211			7041	39172	1	297	D	D	High	N					
212			584	6282	0	489	D	C	High	N					
213	3	Q86	438	41776	0	3781	D	C	Med	N					
214			984	11018	0	373	D	D	Med	N					
215	6	Social Assistance	1096	17646	0	1054	D	D	Med	N					
216		R Arts & recreation services													
217	3	R89	161	2449	0	42	D	D	Med	N					
218		Heritage Activities	130	4364	2	499	C	C	Med	N					
219	6	R90	2939	5579	0	202	D	D	Low	N					
220			4352	18391	0	1487	D	C	Med	N					
221	7	Sport and Recreation Activities	664	2876	2	517	B	A	Med	N					
222			846	4961	7	197	A	D	Med	N					
223	5	R92	132	3737	0	234	D	D	Low	N					
224		S Other services													
225		S94	7099	24604	2	1552	D	D	High	N					
226	6	Repair and Maintenance	2144	7688	0	312	D	D	High	N					
227			459	1105	0	68	D	D	High	N					
228		S95	3915	14236	1	167	D	D	High	N					
229		Personal and Other Services	195	1079	0	47	D	D	High	N					
230	6		1895	8797	2	522	D	D	Med	N					
231			1720	7335	0	63	D	D	Med	N					
232		S955 Civic, Professional and Other Interest Group Services	3908	14199	0	174	D	D	Med	N					

	A	B	C	D	E	F	G	H	I	J	K
	Demographic information			Raw data		Analysis of key risk indicators					
	ANZSIC level 2 risk ranking	ANZSIC06 Levels 1 & 2	ANZSIC06 Level 3	# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Relative rating of fatality risk (injury risk)	Relative rating of severe injury risk	Occ health risk assessment	Catastrophic risk assessment
1											
2											
233			T99999 Not Stated	N/A	N/A	33	3666	N/A	N/A	N/A	N/A
234			TOTAL	473846	2291476	392	130219				
235											

OFFICIAL INFORMATION ACT
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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Friday, 14 August 2015 2:11 p.m.
To: s 9(2)(a) [Minister's Office]
Subject: High risk industry guidance for House [UNCLASSIFIED]
Attachments: High risk industry guidance for House.docx

Also realised I'd need to change those two brown 1's to red 1's on this document, for consistency!

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Guidance to the House

1. During the second reading debate, I committed to providing the House with guidance to inform its deliberation on the Bill at the Committee of the Whole stage – particularly in respect of the amendment proposed by the Select Committee to exclude small, low-risk businesses from having to adopt formal methods of worker representation (health and safety committees or representatives) when requested by workers.
2. This information allows Members to see what is involved in ranking industries by the level of work health and safety risk, and the relative results. But it is important to note that setting a risk-based threshold in regulation for the particular purpose of defining the scope of this exclusion will require further testing of this analysis by stakeholders, and consideration to be given to factors other than the analysis outlined in this guidance. Businesses will have to self-identify as being either high or low risk in order to know if the exclusion in the Bill applies or not – so the eventual list of industries prescribed in the regulations needs to be as simple and intuitive as possible, while ensuring the scope of the exclusion is appropriate. Similarly, little is gained by specifying an industry as high risk for this purpose when the work of the industry is exclusively carried out by large businesses with more than 20 workers.

What constitutes a 'high-risk' industry?

3. The term 'high-risk', as commonly understood, is used to describe a particular thing (e.g. person, population, business, activity, or sector) with a greater than usual chance of a particular poor outcome (e.g. heart disease, abuse, financial loss, accident, or loan default).
4. Within the context of work health and safety therefore, a 'high risk industry' is one *where the work of the industry carries a greater than usual risk of death, serious injury, or serious illness to its workers, when compared across all other types of work.*
5. Quantifying work-related health and safety risk at an industry level is not always straightforward for a variety of reasons. Consideration of both 'hard' and 'soft' data is necessary in order to make the most accurate determination in this regard. Four key risk indicators have formed the basis of the analysis in this document:
 - a. any **fatalities** occurring to workers between January 2008 and December 2013
 - b. the **rates of severe injuries** to workers occurring between January 2008 and December 2013. This rate takes into account both the number of workers in an industry and the frequency of accidents occurring (calculated from annual injury statistics), so that meaningful comparisons can be made between different sized industries
 - c. **known occupational health risks** and exposures involved in the particular work processes. This is necessarily a subjective analysis, due to the lack of reliable hard data about the actual occurrence of occupational disease, but is well-informed by literature and research; and
 - d. the **potential for catastrophic harm**, a single event causing multiple fatalities. This additional criterion is necessary in order to take account of low-frequency but high-consequence events that can occur in some industries (such as petroleum and mining) that may otherwise not have particularly high rates of injury.

International comparison

6. Many other international jurisdictions identify high risk industries using criteria similar to those outlined above, but more commonly for the purpose of targeting information, intervention, regulator resource or enforcement action. Few jurisdictions use an explicit risk threshold to place differential legal requirements on businesses.

One particular exception is the worker compensation legislation in Queensland, where businesses operating in specified high risk industries are required to appoint a rehabilitation co-ordinator to assist injured workers.

7. While the risk rating process of each jurisdiction can result in minor variations, strong commonalities emerge – construction, manufacturing, and agriculture are consistently represented in any country’s assessment of its high risk industries. Mining, forestry and fishing also usually appear whenever those industries are present in that jurisdiction.

What is the risk profile of NZ industries?

8. The Australia New Zealand Standard Industry Classification (ANZSIC) system is used to compile and analyse official industry statistics, and consists of four levels of industry descriptors. Each level provides a more detailed breakdown of the type of activity within an industry than the one that precedes it, as illustrated in Table 1.

Table 1: Description and example of ANZSIC code levels

Level 1 ANZSIC	Level 2 ANZSIC	Level 3 ANZSIC	Level 4 ANZSIC
19 alphabetic codes describing macro-industries, e.g: A Agriculture, Forestry and Fishing	96 alphanumeric codes describing industries, e.g: A01 Agriculture	214 alphanumeric codes describing industry sectors, e.g: A011 Nursery and Floriculture Production	506 alphanumeric codes describing industry sub-sectors, e.g: A011100 Nursery Production (Under Cover)

9. MBIE and WorkSafe NZ officials have worked together to apply the key risk indicators outlined in paragraph 5 of this document to New Zealand industry sectors. Sector data at level 3 ANZSIC was analysed, and the results aggregated up to provide an overall industry ranking for level 2 ANZSIC.
10. The analysis was not a matter of simple mathematics, and the criteria were not given equal weighting. Rather, officials looked at where clusters or patterns of criteria are present in an industry, as well as matters of degree and scale (e.g. whether the risk factors are isolated or confined to one particular sector, or widespread across all sectors) to assign an overall ranking.
11. Table 2 overleaf provides a ‘league table’ of industry risk based on this analysis for members’ consideration, alongside the estimated number of small businesses in that industry and demographic data showing the number of employees in small businesses (i.e. those with 1-19 employees).
12. I cannot pre-empt the upcoming public consultation process on the exposure draft of the worker participation regulations by stating which or how many of the industries in Table 2 may ultimately be prescribed as high risk. But I consider regulations are the appropriate mechanism for this kind of threshold to be set, as we need to be able to update the list of industries if things change over time, to ensure the right types of businesses are covered (or not) by the exclusion. There is a statutory requirement in the Bill for affected parties to be consulted before regulations can be made, and the Regulations Review Committee provides a mechanism for wider Parliamentary scrutiny.
13. I expect the exposure draft of the regulations to be ready for public release within the next few weeks, and there will be a period of at least four weeks for people to provide comment. The regulations will be made in time to come into force alongside the new Act, to support and give effect to the Bill’s worker participation provisions.

Table 2: Rating of work health and safety risk of NZ industries at ANZSIC level 2

KEY	
A score of ...	signifies...
1	a consistent pattern of fatalities, a higher than average rate of severe injuries, and known occupational health risks across most or all of the sectors (or alternatively, a risk of catastrophic harm exist and the industry was not otherwise rated as 1))
2	a higher than average rate of severe injuries, and known occupational health risks across most or all of the sectors
3	some fatalities, a higher than average rate of severe injuries and known occupational health risks are present in some, but not all, the sectors
4	isolated incidents including fatalities across sectors
5	isolated incidents across sectors
6	no data available (but likely to be very low risk)

Risk Rank	ANZSIC Industry Code	Industry Name (Level 2 ANZSIC)	Est.# 1-19 businesses in Industry	# employees in 1-19 businesses in Industry
1	A01	Agriculture	16,689	58,040
1	A02	Aquaculture	77	245
1	A03	Forestry and Logging	1,298	2,800
1	A04	Fishing, Hunting and Trapping	423.6	810
1	B06	Coal Mining	8	94
1	B07	Oil and Gas Extraction	15	15
1	B08	Metal Ore Mining	32	120
1	B10	Exploration and Other Mining Support Services	90	220
1	C11	Food Product Manufacturing	1,259	8,139
1	C14	Wood Product Manufacturing	780	4,770
1	C15	Pulp, Paper and Converted Paper Product Manufacturing	42	89
1	C17	Petroleum and Coal Product Manufacturing	16	63
1	C19	Polymer Product and Rubber Product Manufacturing	303	2,110
1	C22	Fabricated Metal Product Manufacturing	1,278	8,824
1	C25	Furniture and Other Manufacturing	1,036	4,270
1	D26	Electricity Supply	55	145
1	D27	Gas Supply	3	18
1	D28	Water Supply, Sewerage and Drainage Services	54	130
1	D29	Waste Collection, Treatment and Disposal Services	267	1,360
1	E30	Building Construction	6,052	18,230
1	E32	Construction Services	10,828	45,130
1	I46	Road Transport	2,281	10,270
1	I47	Rail Transport	2	0
1	I48	Water Transport	52	200
1	I49	Air and Space Transport	93	520
1	I52	Transport Support Services	345	2,365
1	I53	Warehousing and Storage Services	139	940
1	R91	Sport and Recreation Activities	1,767	10,160
2	A05	Agriculture, Forestry and Fishing Support Services	1,859	9,920
2	B09	Non-Metallic Mineral Mining and Quarrying	65	540

Risk Rank	ANZSIC Industry Code	Industry Name (Level 2 ANZSIC)	Est.# 1-19 businesses in Industry	# employees in 1-19 businesses in Industry
2	C13	Textile, Leather, Clothing and Footwear Manufacturing	684	3,378
2	C18	Basic Chemical and Chemical Product Manufacturing	226	1,323
2	C20	Non-Metallic Mineral Product Manufacturing	327	1,910
2	C21	Primary Metal and Metal Product Manufacturing	103	425
2	E31	Heavy and Civil Engineering Construction	520	3,680
3	C23	Transport Equipment Manufacturing	681	3,140
3	C24	Machinery and Equipment Manufacturing	1,668	3,750
3	I50	Other Transport	269	1,290
3	L66	Rental and Hiring Services (except Real Estate)	277	5,730
3	Q86	Residential Care Services	334	9,510
3	R89	Heritage Activities	93	740
4	F36	Grocery, Liquor and Tobacco Product Wholesaling	958	4,740
4	I51	Postal and Courier Pick-up and Delivery Services	902	1,910
4	J56	Broadcasting (except Internet)	38	540
4	K64	Auxiliary Finance and Insurance Services	423	5,590
4	N73	Building Cleaning, Pest Control and Other Support Services	2,209	8,005
4	O77	Public Order, Safety and Regulatory Services	387	2,295
4	P82	Adult, Community and Other Education	1,514	6,010
4	Q85	Medical and Other Health Care Services	5,381	21,140
5	C12	Beverage and Tobacco Product Manufacturing	275	1,396
5	C16	Printing	581	3,184
5	J55	Motion Picture and Sound Recording Activities	610	1,365
5	O76	Defence	2	0
5	Q84	Hospitals	44	174
5	R92	Gambling Activities	42	355
6	F33	Basic Material Wholesaling	1,211	6,270
6	F34	Machinery and Equipment Wholesaling	1,559	10,420
6	F35	Motor Vehicle and Motor Vehicle Parts Wholesaling	636	3,120
6	F37	Other Goods Wholesaling	2,417	10,000
6	F38	Commission Based Wholesaling	336	820
6	G39	Motor Vehicle and Motor Vehicle Parts Retailing	1,256	5,890
6	G40	Fuel Retailing	332	3,340
6	G41	Food Retailing	2,886	12,900
6	G42	Other Store-Based Retailing	7,296	36,780
6	G43	Non Store Retailing and Retail Commission Based Buying and/or Selling	955	1,194
6	H44	Accommodation	2,718	11,860
6	H45	Food and Beverage Services	8,210	54,420
6	J54	Publishing (except Internet and Music Publishing)	187	1,240
6	J57	Internet Publishing and Broadcasting	23	81
6	J58	Telecommunications Services	83	390
6	J59	Internet Service Providers, Web Search Portals and Data Processing Services	103	730
6	J60	Library and Other Information Services	14	45

Risk Rank	ANZSIC Industry Code	Industry Name (Level 2 ANZSIC)	Est.# 1-19 businesses in Industry	# employees in 1-19 businesses in Industry
6	K62	Finance	2,070	2,885
6	K63	Insurance and Superannuation Funds	47	266
6	L67	Property Operators and Real Estate Services	5,024	11,550
6	M69	Professional, Scientific and Technical Services (except Computer Systems Design and Related Services)	11,484	46,060
6	M70	Computer Systems Design and Related Services	2,768	8,850
6	N72	Administrative Services	2,621	11,020
6	O75	Public Administration	54	189
6	P80	Preschool and School Education	1,794	20,320
6	P81	Tertiary Education	246	1,110
6	Q87	Social Assistance Services	912	3,060
6	R90	Artistic Activities	859	1,230
6	S94	Repair and Maintenance	5,196	20,670
6	S95	Personal and Other Services	6,311	24,520
6	S96	Private Households Employing Staff	No data	No data

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Kelly Hanson-White

From: Kelly Hanson-White
Sent: Friday, 14 August 2015 3:47 p.m.
To: s 9(2)(a) [Minister's Office]
Cc: s 9(2)(a) Bronwyn Turley; s 9(2)(a)
Subject: information about micro businesses in the Agriculture sector [UNCLASSIFIED]
Attachments: NZ Stat query re Agriculture 0-5 enterprises and employee count.xls.xlsx

Hi s 9(2)(a)

In the spirit of pulling off multiple miracles for you today....

On the Stats NZ website there is a tool called NZ Stat that allows people to build customised data tables <http://nzdotstat.stats.govt.nz/wbos/index.aspx>

Ideally I would have used this to provide you with a complete data set to show all industries at ANZSIC level 2, all sizes of enterprise, all employees in each sized enterprise, and over a period of 14 years so you can identify trends—but that's a really huge table and it was taking too long to calculate!!

So I just set up a much smaller table showing the specific information you wanted about very small firms in the Agriculture sector – you can obviously go back to the tool any time you like and expand this out further if something else comes up.

So, the attached table shows (information in brackets shows trends indicated over 2010-2014):

- out of a total sector of about 55,000 agricultural businesses (declining) employing about 84,000 people (increasing),
- about 38,000 agricultural businesses have no employees at all (decreasing), and
- about 14,000 agricultural businesses employ between 1 and 5 people (declining), accounting for about 31,000 employees in total (pretty static).

Hope this is helpful.

Kel

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group

Ministry of Business, Innovation & Employment (MBIE)

[SS-03-21-03]



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKĪNA WYAKATU TUKU



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The information contained in this document is intended only for the addressee and is not necessarily the views nor the official communication of the Ministry of Business, Innovation & Employment.

Kelly Hanson-White

From: § 9(2)(a)@parliament.govt.nz>
Sent: Monday, 17 August 2015 5:34 p.m.
To: Bronwyn Turley; § 9(2)(a) Kelly Hanson-White
Subject: FW: HSR Bill - Health and Safety Rep risk list
Attachments: Copy of ANZSIC level 3 sector risk analysis data with revised criteria.xlsx

Hi all,

§ 9(2)(f)(iv)

We have been asked to amend to the SOP, to achieve the following (happy to take your direction on the wording, or any advice from PCO) this is the priority for Tuesday:

- Note that any request for a health and safety representative is declined, the employer must ensure they are not deemed a high-risk industry as per the criteria and schedule under the relevant regulation.
- Declining a valid request for a health and safety representative for those deemed high risk would be an offence under section XYZ with a penalty of up to \$5000 for an individual or \$25,000 for any other person.
- Insert clause for regular review (between 3 – 5 years dependent on official advice) of the high risk data and definition.

The attached list is based on the following:

ANY of the following criteria will get you deemed 'high risk':

- Any industry that carries the risk of a catastrophic event – as advised by officials; or
- Any industry that has had a fatality rate greater than 25 per 100,000 workers over the past 8 years (2008 – 2013); or
- Any industry that has a serious injury rate of greater than 25 per 1000 workers over the past 8 years (2008 – 2013).

Can the Regs please be updated to have the criteria included in them. And can you please double check that the list captures all the appropriate industries if you use the criteria above.

Thanks guys – happy to discuss.

§ 9(2)(a) Private Secretary – Workplace Relations and Safety
Office of Hon Michael Woodhouse | Parliament Buildings, Wellington
DDI: § 9(2)(a) | Mobile: § 9(2)(a)
Email: § 9(2)(a)

1	A	B		C		D		E		F		G
		# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Fatality rate/100,000 employees	Severe injury rate/1000 employees					
2	ANZSIC06 Level 3											
3	B060 Coal Mining	22	1499	29	172	322	19					
4	D262 Electricity Transmission	3	674	4	18	99	4					
5	A030 Forestry and Logging	4274	5835	27	1068	77	31					
6	A042 Hunting and Trapping	148	278	1	102	60	61					
7	A019 Other Livestock Farming	3327	4106	11	1039	45	42					
8	J562 Television Broadcasting	44	3611	9	33	42	2					
9	A015 Other Crop Growing	2149	1365	3	36	37	4					
10	A041 Fishing	1259	3559	7	543	33	25					
11	I521 Water Transport Support Services	258	4905	8	658	27	22					
12	R913 Amusement and Other Recreation Activities	846	4361	7	197	27	8					
13	I490 Air and Space Transport	309	10528	15	692	24	11					
14	D292 Waste Treatment, Disposal and Remediation Services	330	3431	3	661	15	32					
15	R912 Horse and Dog Racing Activities	664	2376	2	517	14	36					
16	I471 Rail Freight Transport	1	1234	1	127	14	17					
17	D261 Electricity Generation	66	1596	1	30	10	3					
18	I461 Road Freight Transport	3972	28890	18	5110	10	29					
19	D281 Water Supply, Sewerage and Drainage Services	152	1686	1	320	10	32					
20	C151 Pulp, Paper and Paperboard Manufacturing	13	1841	1	125	9	11					
21	C141 Log Sawmilling and Timber Dressing	325	8234	4	1278	8	26					
22	I501 Scenic and Sightseeing Transport	546	2074	1	28	8	2					
23	C184 Pharmaceutical and Medicinal Product Manufacturing	102	2229	1	95	7	7					
24	I502 Pipeline and Other Transport	387	825	0	299	0	60					
25	L662 Farm Animal and Bloodstock Leasing	516	226	0	78	0	58					
26	C111 Meat and Meat Product Manufacturing	217	30776	0	9843	0	53					
27	C115 Oil and Fat Manufacturing	38	355	0	92	0	43					
28	A020 Aquaculture	255	845	0	151	0	30					
29	C229 Other Fabricated Metal Product Manufacturing	1303	9661	0	1718	0	30					
30	C212 Basic Ferrous Metal Product Manufacturing	44	740	0	130	0	29					
31	C116 Grain Mill and Cereal Product Manufacturing	31	945	0	163	0	29					
32	C132 Leather Tanning and Fur Dressing	77	1713	0	291	0	28					
33	C113 Dairy Product Manufacturing	118	9620	0	1537	0	27					
34	B099 Other Non-Metallic Mineral Mining and Quarrying	22	107	0	14	0	22					

1	A	B		C	D		E	F		G
		# enterprises	average # employees (2008 - 2013)	# fatalities (2008-2013)	# severe injuries (2008-2013)	Fatality rate/100,000 employees	Severe injury rate/1000 employees			
2	ANZSIC06 Level 3									
35	C189 Other Basic Chemical Product Manufacturing	56	352	0	46	0				22
36	C152 Converted Paper Product Manufacturing	51	3235	0	270	0				14
37	B080 Metal Ore Mining	103	1032	0	75	0				12
38	B109 Other Mining Support Services	183	1211	0	86	0				12
39	I482 Water Passenger Transport	80	1239	0	87	0				12
40	C183 Fertiliser and Pesticide Manufacturing	61	1292	0	76	0				10
41	C192 Natural Rubber Product Manufacturing	37	681	0	40	0				10
42	I530 Warehousing and Storage Services	462	6504	0	360	0				9
43	C185 Cleaning Compound and Toiletary Preparation Manufacturing	134	1424	0	66	0				8
44	C181 Chemical Manufacturing	31	819	0	31	0				6
45	C182 Basic Polymer Manufacturing	46	1009	0	36	0				6
46	B101 Exploration	111	496	0	16	0				5
47	B070 Oil and Gas Extraction	45	613	0	17	0				5
48	C170 Petroleum Refining and Petroleum and Coal Product Manufacturing	30	1374	0	24	0				3
49	I472 Rail Passenger Transport	0	845	0	12	0				2
50	D263 Electricity Distribution	23	2656	0	36	0				2
51	D264 On Selling Electricity and Electricity Market Operation	31	1269	0	10	0				1
52	D270 Gas Supply	9	388	0	0	0				0
53	I481 Water Freight Transport	93	1922	0	0	0				0
54										
55	T99999 Not Stated	N/A	N/A	33	3666	N/A			N/A	N/A
56	TOTAL	473846	177586	154	28453	18				19

Kelly Hanson-White

From: Kelly Hanson-White
Sent: Monday, 17 August 2015 11:05 p.m.
To: s 9(2)(a) Bronwyn Turley; s 9(2)(a)
Subject: RE: HSR Bill - Health and Safety Rep risk list [UNCLASSIFIED]

Thanks s 9(2)(a) appreciate the heads up.

s 9(2)(g)(i)

Just on the basis of some quick analysis so far, I thought it important to flag that the application of the criteria outlined below at the ANZSIC level 3 data has the following effects (at least some of which may be unintended):

- out of a total of approximately 600,000 employees in NZ's small businesses, up to 34,000 (6%) will have the ability to request a health and safety representative or committee.
- in the Agriculture sector, fewer than 2500 workers will be working in small high risk businesses and be able to request a rep or committee (representing approximately 4% of the total workforce in small agricultural businesses).
- leasing of dairy cattle for sharemilking purposes (a sector of the real estate, hire and leasing industry) will be high risk, but the actual activity of dairy farming itself will not
- the following types of people will have the ability to request health and safety representatives or committees regardless of the size of business they work in:
cat/dog breeders, worm farmers, ostrich and alpaca farmers, sugar cane and cotton growers, TV anchors, greyhound/horse racing commentators, merry-go-round and mini-golf operators, candle manufacturers
- conversely, no workers in the construction industry will be able to make such a request.

Talk to you further tomorrow.

Cheers

Kelly

Out of scope

Kelly Hanson-White

From: s 9(2)(a)@parliament.govt.nz>
Sent: Wednesday, 19 August 2015 11:34 a.m.
To: Bronwyn Turley; s 9(2)(a) Kelly Hanson-White
Subject: 19082015 Guidance for the House
Attachments: 19082015 Guidance for the House.docx

Hi all,

Attached is the proposed guidance for the House, regarding the High risk industries. Can you please review and fact check it – paying particular attention to the numbers and data?

If you could please get this back to me as soon as possible, it would be much appreciated.

Happy to discuss.

s 9(2)(a) Private Secretary – Workplace Relations and Safety
Office of Hon Michael Woodhouse | Parliament Buildings, Wellington
DDI: s 9(2)(a) | Mobile: s 9(2)(a)
Email: s 9(2)(a)

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Bronwyn Turley

From: Bronwyn Turley
Sent: Wednesday, 19 August 2015 11:53 a.m.
To: s 9(2)(a) @parliament.govt.nz; s 9(2)(a) @parliament.govt.nz
Cc: Kelly Hanson-White
Subject: 19082015 Guidance for the House [UNCLASSIFIED]
Attachments: 19082015 Guidance for the House.docx

Hi – this is where we have got to on our fact check in the time available. We will give you a quick call, particularly on the catastrophic risk issue and how we suggest it be included.

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Guidance on 'High Risk' Industry Definition

During the second reading debate, I committed to providing the House with guidance to inform its deliberation on the Bill at the Committee of the Whole stage – particularly in respect of the amendment proposed by the Select Committee to identify specific high-risk industries that would not be exempt from the requirement to adopt formal methods of worker representation (health and safety committees or representatives) when requested by workers.

This information allows Members to see what is involved in ranking industries by the level of work health and safety risk, and the relative results. But it is important to note that setting a risk-based threshold in regulation for the particular purpose of defining the scope of this exclusion will require further testing of this analysis by stakeholders, and consideration to be given to factors other than the analysis outlined in this guidance.

Comment [BT1]: Note that the information is not complete – so only includes the high risk list rather than the complete rankings.

Businesses will have to self-identify as being high risk in order to know if the exclusion in the Bill applies or not – so the eventual list of industries prescribed in the regulations needs to be as simple and clear, while ensuring the scope of the exclusion is appropriate.

I intend to consult on the Regulation using the taxonomy of the Australia and New Zealand Standard Industry Classification (ANZSIC) Level 3. The ANZSIC codes are familiar to business as the Level 4 codes are used by ACC to set levies. It will be a simple matter for business to check whether their ANZSIC Level 4 code is a subset of the Level 3 descriptions set out in Regulation.

Comment [BT2]: We're not sure that level 4 codes are familiar to business because even though ACC use level 4, businesses are provided with a business classification unit number and this is what they are familiar with.

What constitutes a 'high-risk' industry?

I plan to consult on a definition of 'high-risk' that would cover any industry captured within the following criteria:

- Any industry that carries the risk of a catastrophic event causing multiple fatalities; or
- Any industry with a fatality rate greater than 25 per 100,000 workers; or
- Any industry with a serious injury rate of more than 25 per 1000 workers.

Comment [BT3]: We think that this would be better to define these as businesses subject to regulations that exist to manage catastrophic risk (mining, major hazard facilities and petroleum).

This would be based upon official WorkSafe New Zealand data from 2008 – 2013, and the regulations will be reviewed and updated at intervals no longer than 5 years.

Comment [BT4]: Note this is not "official" data – is not from Stats NZ

In addition to the above criteria, I also plan to consult on the inclusion of industries with a particular risk of disease from asbestos and silica dust exposure. Occupational disease is a serious factor in the workplace, but there is a current lack of reliable data about the actual occurrence of occupational disease at an industry specific level. However, given the specific and known risks from exposure to asbestos and silica dust, and particularly following the Canterbury earthquakes, I propose that industries with a risk of exposure be included in the schedule as high risk.

Coverage of industries and workers

The defined 'high risk' industries in the proposed schedule represent a quarter (57 of 21439) of all industries on the ANZSIC list, covering about one in six workers in small to medium businesses.

Comment [BT5]: We don't have time to verify the data now – could be done in an hour or so. We'd recommend taking it out at this stage, it could be misleading.

In terms of the total workforce, the proposed schedule would mean that around three-quarters of all workers will not be covered by the exemption and will have the ability to elect a health and safety representative on request.

Comment [BT6]: Re point above about catastrophic risk, we wouldn't include all these industries, just the businesses covered by the regs.

Training Health and Safety Representatives

The Government intends to provide transition training at least 15,000 health and safety reps. Those from higher risk industries will be prioritised and the training will be offered for free.

Next steps

I cannot pre-empt the upcoming public consultation process on the exposure draft of the worker participation regulations by stating which or how many of the industries in the table Table 2 may ultimately be prescribed as high risk. But I consider regulations are the appropriate mechanism for this kind of threshold to be set, as we need to be able to update the list of Industries over time.

I expect the exposure draft of the regulations to be ready for public release within the next few weeks, and there will be a period of at least four weeks for people to provide comment. The regulations will be made in time to come into force alongside the new Act, to support and give effect to the Bill's worker participation provisions.

Proposed Schedule of High Risk Industries

Potential for catastrophic risk	ANZSIC Level 3 Industry Coding
	B070 Oil and Gas Extraction
	B080 Metal Ore Mining
	B099 Other Non-Metallic Mineral Mining and Quarrying
	B101 Exploration
	B109 Other Mining Support Services
	C151 Pulp, Paper and Paperboard Manufacturing
	C152 Converted Paper Product Manufacturing
	C170 Petroleum Refining and Petroleum and Coal Product Manufacturing
	C181 Chemical Manufacturing
	C182 Basic Polymer Manufacturing
	C183 Fertiliser and Pesticide Manufacturing
	C184 Pharmaceutical and Medicinal Product Manufacturing
	C185 Cleaning Compound and Toiletry Preparation Manufacturing
	C189 Other Basic Chemical Product Manufacturing
	C192 Natural Rubber Product Manufacturing
	D261 Electricity Generation
	D263 Electricity Distribution
	D264 On Selling Electricity and Electricity Market Operation
	D270 Gas Supply
	I471 Rail Freight Transport
	I472 Rail Passenger Transport
	I481 Water Freight Transport
	I482 Water Passenger Transport
	I490 Air and Space Transport
	I501 Scenic and Sightseeing Transport

High standardised rates of fatality and severe injury	<i>I530 Warehousing and Storage Services</i>
	<i>A015 Other Crop Growing</i>
	<i>A019 Other Livestock Farming</i>
	<i>A020 Aquaculture</i>
	<i>A030 Forestry and Logging</i>
	<i>A041 Fishing</i>
	<i>A042 Hunting and Trapping</i>
	<i>B060 Coal Mining</i>
	<i>C111 Meat and Meat Product Manufacturing</i>
	<i>C113 Dairy Product Manufacturing</i>
	<i>C115 Oil and Fat Manufacturing</i>
	<i>C116 Grain Mill and Cereal Product Manufacturing</i>
	<i>C132 Leather Tanning and Fur Dressing</i>
	<i>C141 Log Sawmilling and Timber Dressing</i>
	<i>C212 Basic Ferrous Metal Product Manufacturing</i>
	<i>C229 Other Fabricated Metal Product Manufacturing</i>
	<i>D262 Electricity Transmission</i>
	<i>D281 Water Supply, Sewerage and Drainage Services</i>
	<i>D292 Waste Treatment, Disposal and Remediation Services</i>
	<i>I461 Road Freight Transport</i>
	<i>I502 Pipeline and Other Transport</i>
	<i>I521 Water Transport Support Services</i>
	<i>L662 Farm Animal and Bloodstock Leasing</i>
	<i>R912 Horse and Dog Racing Activities</i>
	<i>R913 Amusement and Other Recreation Activities</i>
High risk of asbestos exposure	<i>E301 Residential Building Construction</i>
	<i>E302 Non-Residential Building Construction</i>
	<i>E310 Heavy and Civil Engineering Construction</i>
	<i>E322 Building Structure Services</i>
	<i>E323 Building Installation Services</i>
	<i>E324 Building Completion Services</i>
	<i>E329 Other Construction Services</i>

Kelly Hanson-White

From: Kelly Hanson-White
Sent: Wednesday, 19 August 2015 1:39 p.m.
To: s 9(2)(a); Bronwyn Turley; s 9(2)(a)
Subject: RE: Guidance on 'High Risk' Industry Definition [UNCLASSIFIED]

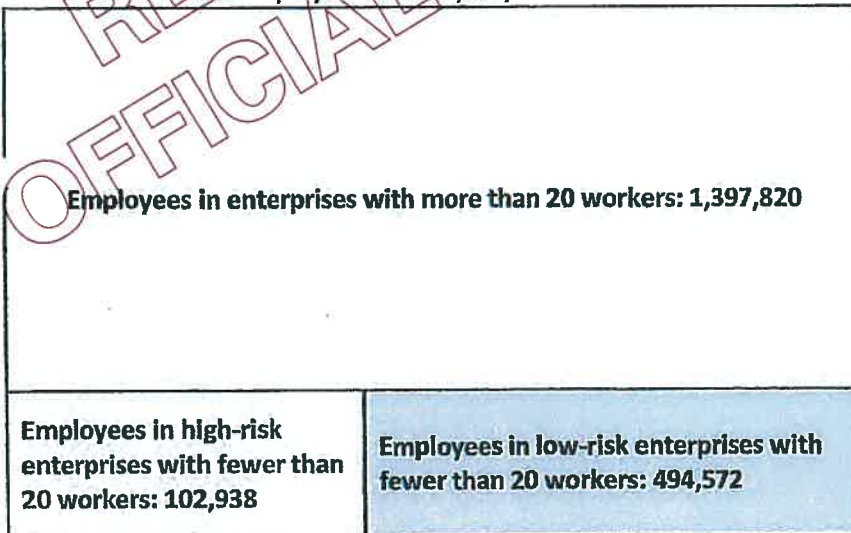
Thanks s 9(2)(a)
Out of scope

Also, you'll be pleased to know we've run the numbers, and the short answer is they are correct.

If the 57 sectors listed in the Minister's document were to be prescribed as high risk, then 1 in 6 workers in small businesses would still be able to request a health and safety representative (conversely, 5 out of 6 workers in small businesses would lose that right).

But across the entire workforce (i.e., counting those people also employed by large businesses, which is the vast majority) three quarters retain the ability to request a health and safety representative. If you were to represent this visually, it would look something like this (but my scale is probably not right):

All employees in NZ: 1,995,330



Can request a HSR
 Can't request an HSR

Cheers
Kelly

Kelly Hanson-White

PRINCIPAL POLICY ADVISOR

Health & Safety Policy Team | Labour and Immigration Policy Group

Ministry of Business, Innovation & Employment (MBIE)

[SS-03-21-03]



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Out of scope

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