



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Workplace Relations and Safety
Title of Cabinet paper	Health and Safety at Work: Restoring Worker Access to Health and Safety Representatives and Health and Safety Committees	Date to be published	25 November 2022

List of documents that have been proactively released

Date	Title	Author
4 August 2022	Cabinet paper: Health and Safety at Work: Restoring Worker Access to Health and Safety Representatives and Health and Safety Committees	Office of the Minister of Workplace Relations and Safety
4 August 2022	Regulatory Impact Statement - Health and Safety at Work: Restoring Worker Access to Health and Safety Representatives and Health and Safety Committees	MBIE
10 August 2022	Health and Safety at Work: Restoring Worker Access to Health and Safety Representatives and Health and Safety Committees DEV-22-MIN-0186 Minute	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld under confidential advice to Government.



Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Health and Safety at Work: Restoring Worker Access to Health and Safety Representatives and Health and Safety Committees

Portfolio **Workplace Relations and Safety**

On 10 August 2022, the Cabinet Economic Development Committee:

- 1 **noted** that the Health and Safety at Work Act 2015 (the Act) allows a Person Conducting a Business or Undertaking (PCBU) to:
 - 1.1 decline a Health and Safety Representative election request from its workers if the PCBU has fewer than 20 workers and is not within a prescribed high-risk sector;
 - 1.2 not decide on a request to establish a Health and Safety Committee if the PCBU has fewer than 20 workers and is not within a prescribed high-risk sector;
 - 1.3 refuse a request to establish a Health and Safety Committee, where the PCBU is satisfied existing practices sufficiently meet requirements;
- 2 **noted** that these limits to establishing Health and Safety Representatives and Health and Safety Committees were added at the 2014/2015 select committee stage of the Health and Safety Reform Bill in response to some submitters' concerns on potential costs for small businesses;
- 3 **noted** that removing these limits would realign the provisions for Health and Safety Representatives and Health and Safety Committees with the Health and Safety Reform Bill as introduced in 2014, and with the provisions of the Australian Model Work Health and Safety law, on which the Act is based;
- 4 **noted** that:
 - 4.1 as these proposals are enabling and not mandatory, the size and scale of the likely impacts are difficult to quantify, but they will likely lead to more Health and Safety Representatives in small lower-risk PCBUs and some increase in Health and Safety Committees overall;
 - 4.2 based on international evidence, this broader worker participation, and associated increases in worker and business awareness of, and attention to, work health and safety will contribute to improved work-related health and safety outcomes;

- 5 **agreed** to amend the Act to provide that all PCBUs:
- 5.1 must hold a Health and Safety Representative election if requested by a worker;
 - 5.2 must establish a Health and Safety Committee if requested by a Health and Safety Representative or by five or more workers;
- 6 **noted** that the empowering provision in the Act that enables regulations to be made designating high-risk sector or industries, for the purpose of whether PCBU must hold an Health and Safety Representative election or decide on a request to form a Health and Safety Committee, will become redundant, and consequently will need to be repealed;
- 7 **noted** that certain provisions in the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016 will become redundant with the proposed legislative changes referred to above, and will need to be revoked as there will be no need to designate high-risk sectors or industries;

Legislative implications

- 8 **Confidential advice to Government**
- 9 **invited** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 10 **authorised** the Minister for Workplace Relations and Safety to make decisions, consistent with the above paragraphs, on the details and any issues that arise during the drafting process;
- 11 **invited** the Minister for Workplace Relations and Safety to report to the Cabinet Legislation Committee by 24 November 2022 with a draft Bill to amend the Act.

Janine Harvey
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon David Parker
Hon Damien O'Connor
Hon Willie Jackson
Hon Michael Wood
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Meka Whaitiri
Hon Phil Twyford
Hon Kieran McAnulty
Dr Deborah Russell MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV