

# WORKSAFE NEW ZEALAND'S ENGAGEMENTS WITH WORK-RELATED HEALTH CONSULTANCIES

## INTRODUCTION

WorkSafe's role as a system leader, is to guide others to collectively influence healthy and safe work. Everyone involved in making work healthy and safe has a role to play in improving outcomes. Achieving sustained improvement requires that everyone has clarity about their roles and how they work together to influence the performance of the health and safety system as a whole.

The Minister for Workplace Relations and Safety has set out clear expectations of WorkSafe and we are fully committed to meeting them through our strategic work programme 2018/19. This includes a focus on work-related health.

WorkSafe's role is to:

- Lead, influence and leverage the health and safety system to improve health and safety outcomes; and
- Influence attitudes and behaviour to improve health and safety risk management.

We do this by focusing on injury rates, catastrophic and work-related health risks, and key enablers such as worker engagement, participation and representation, leadership, workforce development, and risk management.

As a part of the focus on workforce development, WorkSafe is meeting with consultants offering work-related health services, to make them aware of their responsibilities under the health and safety legislation.

## COMPETENCY

A business engaging a consultancy to undertake exposure monitoring has a right to expect that the work will be done by, or under the supervision of, a consultant who is competent. This means that they have sufficient knowledge, skills and experience in the appropriate techniques and procedures, including the interpretation of results. For occupational hygiene consultancy services, the business has the right to expect that the consultant will have due regard to the established principles of occupational hygiene - anticipation, recognition, evaluation and control.

Unfortunately WorkSafe frequently identifies competency issues with exposure monitoring reports conducted by consultants.

A person (natural person or a company) conducting a business or undertaking (i.e. a PCBU) has a primary duty of care under the Health and Safety at Work Act, 2015 (HSWA), to ensure so far as reasonably practicable, amongst other things, that the health and safety of other persons is not put at risk from work carried out as a part of the conduct of their business or undertaking. It is critical to understand that exposure monitoring is conducted to assess health risk to workers. So, when consultants are giving advice to a business on the management of health risk of their workers, e.g. based on monitoring results, they must ensure, so far as is reasonably practicable, that their advice does not put other persons at risk. In other words the work must be done competently, according to recognised standards. Failure to comply with this duty may result in fines of up to \$3M or imprisonment, depending on whether the failure was reckless, and on whether or not the 'person' was a business or natural person.

Where it is believed that a consultancy has been working outside their competency, and potentially putting workers' health at risk, WorkSafe will hold duty-holders to account and consider taking enforcement action.

Usually a business won't have the technical knowledge required to fully assess their workers' health risk and this is why they will engage a consultant. Consultants are therefore morally and contractually obliged to provide the service they have agreed to provide in a competent manner quite apart from the legal obligations they have under HSWA. WorkSafe is frequently asked "Who should we get to do the exposure monitoring for us". With the advent of HASANZ, WorkSafe can now suggest where a PCBU may go to find a competent consultant to do their work.

HASANZ – the Health and Safety Association of New Zealand – was set up in 2014 as an umbrella organisation representing health and safety professionals in New Zealand. It was launched as an incorporated society on September 2014 with the aim of raising professional standards across the sector to provide healthier and safer workplaces for New Zealanders.

HASANZ is an association of associations – the only members are member associations. There are 8 Full members and 4 Associate members – Full members include:

- New Zealand Occupational Hygiene Society (NZOHS)
- New Zealand Institute of Safety Management (NZISM)
- Human Factors and Ergonomics Society of New Zealand (HFESNZ)
- New Zealand Occupational Nurses Association (NZOHNA)

For a complete list of member associations, visit the HASANZ website ([www.hasanz.org.nz](http://www.hasanz.org.nz)). In mid 2018, HASANZ launched the HASANZ Register. It is a national, online register of verified workplace health and safety professionals and is a one stop shop for businesses to find reliable, quality health and safety advice and services. In order to appear on the HASANZ Register, professionals must meet the required competency standards set by one of the HASANZ member association (such as the NZOHS etc.).

For occupational hygiene consultants, the NZOHS has set the exposure monitoring competency standard at the level of Full Member of the NZOHS (MNZOHS). So, only full members of the NZOHS may appear on the HASANZ Register for occupational hygiene consultancy services. For the requirements for full membership of the NZOHS, which include meeting qualifications and experience criteria, visit the NZOHS at [www.nzohs.org.nz](http://www.nzohs.org.nz). Full members are also required to participate in the NZOHS continuing professional development scheme and maintain the required points in the required time period, so they maintain their competency.

## **COMMON PROBLEMS FOUND IN EXPOSURE MONITORING REPORTS**

In cases where WorkSafe identifies problems with reports, there are common themes. Examples include:

- Static monitoring samples being taken instead of personal samples. Results of static monitoring cannot be compared with Workplace Exposure Standards (WES) and except for their obvious application in assessing the effectiveness of controls, have limited use in assessing health risk.
- Insufficient numbers of samples being taken to establish the true mean exposures, or peak exposures with confidence.
- Little or no descriptive information provided. Often reports provide little information on the nature of the business, what machinery is present, what controls are already in place,

the construction of the building, or the weather conditions (where relevant) at the time of monitoring. Often there is little or no information on the number of workers or the length of the work shifts, and no corrections made to results or exposure standards for extended workshifts.

- No discussion of the limitations of the health risk assessment, or discussion of uncertainty. Examples of limitations include where insufficient number of samples were taken, the plant was not operating at full capacity, or sampling could not be undertaken for full (or near full) shifts.
- Averaging sound level measurements arithmetically which is not correct.
- Reference to out of date legislation or standards.
- Workplace exposure standards being treated as fine lines between 'safe' and 'unsafe' levels.
- Lack of understanding of the basis of a specific exposure standard and how that relates to risk in the workplace.
- Lack of detail in the methodology used.
- Lack of raw data or laboratory results that could be checked to establish whether or not the calculations were correct.
- No discussion of existing controls and their effectiveness.
- No reference to previous exposure monitoring reports.

The NZOHS publication [Guidelines for Writing Occupational Hygiene Reports](#) should be consulted for guidance where necessary.

## WAYS FORWARD FOR CONSULTANCIES

WorkSafe recognises that neither membership of the NZOHS, nor being listed on the HASANZ Register are compulsory for consultants conducting exposure monitoring work for client businesses. However, what is compulsory is having the necessary competency to conduct this work, because the results of exposure monitoring are used by the client to assess the health risk to their workers.

For consultancies who lack the required competency levels, options include:

- Acquiring the necessary competency – this is likely to be a long-term plan
- Engaging (employing or subcontracting) a consultant with the necessary competency to do, or to supervise the work
- Directing client enquiries to the HASANZ register to obtain the services of another consultant

Consultants requiring further clarification on the points raised above should contact Jim Napier ([jim.napier@worksafe.govt.nz](mailto:jim.napier@worksafe.govt.nz)) or Philippa Gibson ([philippa.gibson@worksafe.govt.nz](mailto:philippa.gibson@worksafe.govt.nz)).

## USEFUL RESOURCES

NZOHS website [www.nzohs.org.nz](http://www.nzohs.org.nz)

HASANZ Register [www.register.hasanz.org.nz](http://www.register.hasanz.org.nz)

WorkSafe New Zealand [www.worksafe.govt.nz](http://www.worksafe.govt.nz)

[NZOHS Report writing guidelines https://nzohs.org.nz/wp-content/uploads/2019/01/NZOHS-Report-Writing-Guide-V1.pdf](https://nzohs.org.nz/wp-content/uploads/2019/01/NZOHS-Report-Writing-Guide-V1.pdf)