

Worker engagement

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QUICK GUIDE



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1. Introduction

Who should read this guidance

This guidance is for persons conducting a business or undertaking (PCBUs) who have workers on ships or operating on major ports or the Cook Strait ferry terminals. It explains the duty to engage with workers. This duty is required under the Health and Safety at Work Act 2015 (HSWA).

It also gives further explanation of who you have to engage with, including when this is required and how you can undertake it.

This quick guide does not specifically explain your legal obligations. You can find out more about those in our factsheet 'PCBU duties for worker engagement and participation' and by reading the Health and Safety at Work Act 2015 (HSWA) and Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016.

Key concepts

These concepts are important for you to understand this guidance.

TERM/CONCEPT	BRIEF EXPLANATION
Engagement	<p>A PCBU (person conducting a business or undertaking – see later definition) has to engage with its workers on health and safety matters. They do this by:</p> <ul style="list-style-type: none">- sharing information about health and safety matters- giving workers reasonable opportunities to have a say about health and safety matters- giving workers opportunities to contribute to decision-making processes relating to health and safety matters- considering workers' views when they are making decisions- updating workers about what decisions they have made- involving any health and safety representatives (HSRs). <p>If workers are represented by an HSR, the PCBU must include that representative in engagement</p>
Health and Safety at Work Act 2015 (HSWA)	<p>The work health and safety legislation in New Zealand. All work and workplaces are covered by HSWA unless it specifically excludes them. Part 3 of HSWA covers worker engagement, participation and representation</p>
Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016 (the Regulations)	<p>The Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016 outline additional requirements for businesses or undertakings with health and safety committees (HSCs) and health and safety representatives (HSRs).</p> <p>The Regulations prescribe matters relating to work groups, HSRs and HSCs.</p> <p>In this guidance, when we say 'the Regulations', these are the regulations we are referring to.</p>

TERM/CONCEPT	BRIEF EXPLANATION
Health and safety committee (HSC)	<p>A committee established under HSWA s66 at a workplace to:</p> <ul style="list-style-type: none"> - help the PCBU and workers work together to ensure health and safety - help develop standards, rules, policies or procedures relating to health and safety - make recommendations relating to work health and safety - perform any other functions required by regulations or agreed between the PCBU and the committee
Health and safety representative (HSR)	<p>A worker elected by the members of a work group to represent them in health and safety matters, in accordance with HSWA ss62–65. In our guidance, we only use this term to refer to elected representatives who meet the requirements of HSWA and the Regulations. It does not include other worker representatives</p>
Officer	<p>A person who has the ability to significantly influence the management of a PCBU. This includes, for example, company directors and chief executives.</p> <p>Officers must exercise due diligence to ensure the PCBU meets its health and safety obligations.</p> <p>Note</p> <p>In the context of HSWA, an officer of a PCBU is different from an officer on a vessel. Someone who is the captain of a fishing vessel might or might not be an officer of the PCBU that owns or runs the vessel.</p>
Person conducting a business or undertaking (PCBU)	<p>In most cases it is a business entity such as a company. However, an individual carrying out business as a sole trader or self-employed person is also a PCBU.</p> <p>It does not include workers or officers of a PCBU, volunteer associations with no employees, or home occupiers that employ or engage a tradesperson to carry out residential work</p> <p>You can find the definition of PCBU in HSWA section 17</p>
Work group	<p>PCBUs form work groups so that all workers can elect health and safety representatives who represent them effectively on health and safety matters.</p> <p>HSWA says that the standard work group includes all the workers in a business or undertaking, unless the PCBU determines otherwise.</p> <p>For example, a port that has both land-based and sea-based workers might choose to have a work group for the land-based workers and a work group for the sea-based workers. This means that each group has one or more health and safety representatives who understands their situation and can support them effectively.</p> <p>PCBUs determining work groups must do so under HSWA section 64</p>
Worker	<p>A worker is an individual who carries out work in any capacity for a PCBU. A worker may be an employee, a contractor or sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker (including a homemaker), an apprentice or</p>

TERM/CONCEPT**BRIEF EXPLANATION**

a trainee, a person gaining work experience or on a work trial, or a volunteer worker. Workers can be at any level (for example, managers are workers too).

You can find the definition of worker in HSWA section 19.

Notes:

1. The worker engagement, participation and representation part of HSWA does not apply to:
 - a. a volunteer worker
 - b. a worker who is a prisoner carrying out work inside a prison.
2. Certain sections of the worker engagement, participation and representation part of HSWA do not apply to members of the Armed Forces. These are:
 - a. Section 62(1), relating to requests for the election of health and safety representatives
 - b. Section 66(1)(b), relating to the establishment of a health and safety committee
 - c. Sections 83 and 84, relating to the worker's right to cease unsafe work or for a health and safety representative to direct unsafe work to cease

Workplace

A workplace is any place where a worker goes or is likely to be while at work, or where work is being carried out or is customarily carried out.

Most duties under HSWA relate to the conduct of work. However, some duties are linked to workplaces.

When a New Zealand PCBU carries out work on a foreign-flagged vessel, it will be a workplace for workers of that PCBU

2. Your duty to engage with workers

Who do you have to engage with?

Under HSWA, when you are a PCBU you must:

- engage, **so far as is reasonably practicable**, with your workers on work health and safety matters that directly affect them or are likely to directly affect them, and
- have ways for workers to effectively participate in an ongoing basis in improving health and safety in your operation.

You can agree with your workers on the best way to meet these requirements, so long as what you do meets the minimum legal requirements.

The law requires you to engage with your workers so far as is reasonably practicable. What is reasonably practicable is different in each workplace. It depends on the circumstances, including:

- the nature of the work that you carry out
- the nature and severity of a particular hazard or risk
- the ease of reaching workers who will be affected by a health and safety matter
- the work arrangements, such as shift work and remote work, and temporary workers
- the languages workers speak, and their literacy and numeracy (reading, writing and number) skills
- the availability of health and safety representatives (HSRs) or other worker representatives
- the nature of the decision or action required, including how urgent it is to make a decision or take action
- the size and structure of your business or undertaking.

You need to engage with your workers when you work out a system.

You only have to engage with the workers who carry out work for you. However, if there are other PCBUs on the same worksite as you, both of you share the responsibility to make sure workers on the site are safe. This is often referred to as overlapping duties. The other PCBU's workers are affected by what you do, and your workers are affected by what they do. You must work (HSWA specifically says 'consult, cooperate and coordinate') with the other PCBUs to make sure that all workers are safe everywhere on the worksite.

You have the same duty of care to volunteer workers that you have to all workers. However, the duty to engage with workers does not apply to volunteers or volunteer workers.

When do you have to engage with workers?

You have a general duty to engage with workers who work for you and are likely to be directly affected by a matter relating to health and safety. In addition, you must engage when you are:

- identifying hazards and assessing risks to health and safety
- proposing changes that may affect workers' health or safety
- making decisions about:
 - ways to eliminate or minimise health and safety risks
 - procedures for resolving health or safety issues
 - whether facilities for workers' welfare (such as tearooms or bathrooms) are adequate

- procedures for engaging with workers
- procedures for monitoring workers' health
- procedures for monitoring workplace conditions
- procedures for providing information and training for workers
- developing worker participation practices, including when you are determining work groups
- carrying out any other activity specified in the regulations set out under HSWA.

How do you engage with workers?

When you engage with workers, you must:

- provide them with relevant information about health and safety matters in a timely manner
- give them a reasonable opportunity to:
 - express their views
 - raise health or safety issues in relation to the matter
 - contribute to the decision-making process relating to the matter
- take their views into account, and
- inform them of the outcome of the engagement in a timely manner.

It is important to engage with your workers so they feel informed about the decision making process, and can have a say.

Examples of ways you engage with your workers include:

- Having processes in place to involve workers and worker representatives in work health and safety matters
- Giving workers opportunities to contribute to the decision-making process relating to a health and safety matter
- Encouraging workers to have a say
- Listening to and considering what workers and their representatives say and taking these views into account when you are making decisions
- Updating workers and their representatives about what decisions you have made.

You can engage workers directly, or through formal or informal representatives if workers request it. More formal methods of worker representation include health and safety representatives (HSRs) and health and safety committees (HSCs) that have been put in place under HSWA and the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2015. For more information, see the Maritime NZ factsheet 'Worker representation'. The WorkSafe website includes specific guidance about [HSRs](#) and [HSCs](#).

If an HSR is representing the workers, you must involve that HSR in any engagement related to health and safety. You must give the HSR any health and safety information they need to perform their functions. If workers are represented by a union, you must give the union any health and safety information the union requests, if the workers are entitled to receive that information.

Engage with workers to create issue resolution procedures

Engagement between an employer and workers may not always go smoothly. You should have processes and procedures for dealing with any issues that arise (for example, if you and workers do not agree that something is a potential risk to health and safety).

You must engage with workers (including any HSRs) when you are developing health and safety issue resolution procedures.

Make sure that workers are aware of issue resolution procedures and know who to approach if a health and safety issue needs to be resolved.

3. Specifics about engaging with workers

In this section you will find examples of what positively engaging with your workers looks like.

Supporting effective engagement with workers

The following actions are examples of ways you can support effective engagement with your workers.

- Make it clear that health and safety at work is everyone’s responsibility by talking openly with workers about health and safety, and taking positive actions.
- Let workers know that you are committed to engaging with them by engaging effectively and consistently.
- Let workers know that you expect their contributions to health and safety conversations and decisions by encouraging them to ask questions, raise concerns and make suggestions. Make it clear that you respect those contributions. Give them regular opportunities to talk to managers or HSRs about any concerns they have.
- Recognise health and safety as an important part of each person’s role. Include it in job descriptions and one-on-one discussions
- Where appropriate, recognise workers whose suggestions or actions have contributed to a safer and healthier workplace, for example by giving them a shout out at team or section meetings.
- Explain why you have made particular decisions relating to health and safety in the workplace. (You are required to do this anyway.)
- Regularly review worker engagement and participation practices. Consult with workers to find ways to improve existing practices.
- Be open to trying new approaches to worker engagement and participation.
- Look at engagement and participation practices that you could borrow from other businesses or undertakings – or other cultures – and adapt in your own workplace.

How to best engage with workers

Not all workers will want to engage with you the same way, so it is important to agree with workers about how to set up their participation. Specify how you will engage with them. Use the agreement to support and improve health and safety at work.

Many factors will affect how you engage with workers, including:

- work patterns (if your workers are full-time, part-time, or shift workers it will affect when and how you can communicate with them about health and safety matters)
- work locations (if you have multiple worksites you need to consider how you will communicate with workers at all sites)
- the structure of your business (small businesses with one workplace can have fairly simple health and safety engagement practices, but larger businesses with more than one workplace need to have more complex systems of practices)
- your management style (if you are good at talking to people and can connect easily with your workers, you can do informal walkabouts, but if your style is more formal they would not be effective)

- the culture at your workplace (a workplace with a hierarchical structure would find a more formal engagement process better)
- the amount of diversity in your workforce and workers' particular needs for engagement, including taking account of
 - any different ethnicities among employees
 - any employees who speak different languages or have English as a second language
 - any disabilities among employees
- the structure of your workforce.

It will also depend on:

- how urgent the issue is – for example, it will be more urgent if this engagement is following a near miss in the workplace
- how significant the issue is – for example, it will be more urgent if this engagement is responding to a death in the industry
- whether an issue is local to a single workplace, organisation-wide or sector-wide.

Example: Providing information

A port stevedoring company has a team that works on container operations set-up. The workers in the team take part in a hands-on training session during the first shift they work on or after Monday each week. Each session focuses on health and safety, and is competency-based (for example, parking the container stacker, moving a container from the top of a stack). Managers encourage workers to suggest training topics. Each session includes time for workers to give feedback on the topic being discussed, and the people who run the sessions specifically ask them about ways they think the process could be improved. They regularly ask workers how they would like to receive information and training. Workers say that the hands-on format of the beginning-of-the-week training sessions is great – and that holding sessions at the beginning of the week is a good reminder to keep themselves healthy and safe during the coming week.

Use a combination of engagement methods

It is important to use a variety of engagement methods to make sure you are reaching all your workers. The methods listed here will help you engage with your workers productively.

- Include health and safety as a routine agenda item at meetings.
- Consider setting up and supporting a HSC and HSRs. (For more information about HSCs and HSRs, see Maritime NZ's 'Worker representation' factsheet.
- Work closely with any HSRs.
- Set up an interactive intranet site that hosts all health and safety information.
- Involve workers in preparing pre-start documents and job safety analysis (ways to identify hazards, controls and safe ways of working before a task or job starts).
- Set up solution-focused groups.
- Discuss and address issues at a sub-contractor meeting.
- Offer different ways for workers to ask questions, provide feedback and offer suggestions – including options to comment anonymously (for example, a suggestion box).
- Survey workers to find out their thoughts.
- Hold regular toolbox talks. Include some topics suggested by workers.

- Hold whole team/whole workforce discussions.
- Walk around the workplace for informal chats with workers (but first let workers know when this will happen, so they can be prepared).
- Run worksite meetings.
- Celebrate when people achieve health and safety goals.

Share relevant information with workers in a timely manner

Workers need to know what is going on in relation to health in safety in the workplace. You must share information with workers about matters that are likely to directly affect their health and safety. This must include sharing with health and safety representatives, if there are any.

The information you share may include:

- proposed health and safety policies and procedures
- proposed changes to the workplace, systems of work, plant or substances
- incidents
- rule changes and submissions you are going to make to the regulator about the changes
- options you considered but did not choose, and reasons why.

Provide information early enough that workers and their representatives have time to:

- consider a matter
- discuss it
- ask for more information if they need it
- provide feedback to you.

Update workers and draw attention to any new information so that everyone knows about it.

If something unexpected happens and you need to respond urgently to an immediate risk, consider the following:

- Can you handle the issue through one of the usual methods you use for engaging with workers?
- Can you use a different approach, such as a one-off meeting?
- Do you need to bring the entire workforce together?

Communicating with workers

Meeting face-to-face is usually the most effective way of communicating.

You should nearly always give workers information they can refer back to as well as having face-to-face meetings. This might be printed information showing what you went over in the meeting, follow-up emails, or images or diagrams related to what you covered in the meeting. If workers have a common language other than English, consider whether the communication could be in that other language or languages. If it is not possible to meet with all workers, consider other ways to share information such as texting, email or video conferencing.

Set aside time during work hours to engage with workers.

Make sure workers have an opportunity to seek external advice or expertise.

Use plain language. – it should be easy for workers to understand what you are saying.

Be clear and brief.

Diagrams, photos, signs and symbols may be easier for some workers to understand than written information.

Consider the following.

- How strong are workers' literacy and numeracy skills?
- What languages do workers speak and understand?
- What languages are used in the workplace?
- What is the most effective way to communicate with workers whose main language is not English? (See 'Translating information' below.)
- Are all workers able to understand the risks associated with the work?
- How will worker representatives, such as HSRs and unions, be involved?
- What approaches have worked well before when you needed to provide information or engage with workers?
- How do workers prefer to receive information? As part of your duty to engage with workers, you must give workers a say when you are making procedures to keep them informed about health and safety matters.
- Will all workers have an opportunity to take part? Can you inform all workers together? If not, what methods will you use so that all workers are informed? Are any workers absent? You must inform them about anything that may affect their health and safety when they return to work.
- How will you reach shift workers or workers on rotating rosters? Could you channel some information through HSRs?
- Have you set aside enough time to engage/share information? Simple issues do not always have straightforward or easy solutions.
- Are cultural attitudes influencing workers' contributions to safety discussions? Respect for leaders or elders could mean that workers are reluctant to challenge unsafe practices.

Example: Changes in the workplace

A stevedoring company decided to update its standard operating procedure for loading and unloading logging trucks. As this could affect work health and safety, the company engaged with workers. They used the agreed procedures for engagement and involved trained HSRs.

The engagement process identified a number of issues, including:

- training and supervision for workers using the new procedure
- small differences between similar models of forklifts having the potential to cause confusion
- problems with first aid kits not being kept supplied.

After engaging with workers and ensuring that they had their say and their concerns were recognised, the company was able to introduce shift work and ensure that the risks were appropriately controlled.

Translating information

Not all workers speak, read and write English. Some PCBUs translate key health and safety information into the languages their workers are fluent in.

An experienced and competent translator can:

- present information using the appropriate tone
- explain important messages accurately
- translate technical terms
- take cultural and other factors into account.

Although asking bilingual workers to translate information works well for some businesses or undertakings, be cautious when asking workers to translate health and safety messages. They are not professional translators, so it might be asking a great deal of them, and it is possible that they will miss subtleties or even translate something incorrectly. In addition, there might be a dialect issue. Not all dialects of a language use the same vocabulary, so if a worker who speaks one dialect translates information, workers who speak a different dialect might not be able to understand it. If you do have a worker translate for you, ask several other people who speak the language to check the translated material and tell you what it says. Adjust it as necessary.

The Department of Internal Affairs offers a professional translation service and cultural advice to businesses or undertakings, central and local government and private individuals. You can find more information about it on their webpage, [Department of Internal Affairs Translation Service](#).

How to take workers' views into account

You must consider workers' views about what you are going to do before you make decisions. There are a number of things you can do that will help you make sure you are considering workers' views.

- Listen to workers' concerns with an open mind.
- Seriously consider all points of view.
- Make informed decisions.
- Seek agreement where possible.

Workers will support changes more actively if they have contributed to the decision-making process.

Example:

Noise

Workers at Tauroa Marshalling use machinery that creates high noise levels, including forklifts. The business is committed to effectively managing workplace noise and preventing noise-induced hearing loss. All workers are expected to use hearing protection equipment such as ear plugs and ear muffs. Managers train workers to use this equipment correctly.

The business appointed Joey as a noise manager. Joey engaged with all workers – including other managers, supervisors and health and safety personnel – to develop a noise management policy.

Joey asked workers to tell him about the sources of noise in the port. He asked which equipment and machines were creating the noise, what sort of noise was created (for example, high- or low-pitched; constant or occasional), whether there was more noise at certain times of the day; and how often they had to raise their voices to talk to each other.

Joey and other workers looked at the results and talked about changes they could make to reduce their exposure to noise on the port. Workers asked if a noise control specialist could visit the port to measure the noise level. Management funded the cost of the visit.

The specialist recommended engineering techniques to eliminate or minimise noise. This included building noise-reducing sheds around two noisy pieces of stationary plant. Workers were also asked to share their ideas. One worker suggested rotating staff who worked near the noisiest machines so that they were not constantly exposed to high noise levels. Another recommended that the company buy electric forklifts in the future if possible to make sure workers were not exposed to engine noise.

Workers asked Joey if changes in noise exposure could be monitored after the engineering changes were made. Joey passed on their request and managers arranged for environmental monitoring to take place. Everyone at Tauroa Marshallers knows that workers need to be protected from the effects of unsafe levels of noise. Managers have also arranged for worker health monitoring for signs of harm to workers' hearing.

Keeping workers informed about the results of engagement

You must advise workers of the outcome of any engagement you have with them. You must do this in a timely manner. Doing so makes workers' experiences positive, which makes them more likely to continue to engage with you. There are a number of things you can do to make it more likely they will have a good experience.

- Show them that you have considered their ideas, and always respond to the ideas.
- Make it clear how an engagement has made a difference.
- Tell them how you make decisions about issues and suggestions they raise, and outline what you are going to do or have done about them.
- Always make sure they know nothing bad will happen just because they raise an issue.

When you give them feedback, make sure it:

- shows how you have considered their ideas
- shows that you are committed to the engagement process by speaking of it in positive terms
- maintains the trust between you and workers by referring to them and their ideas respectfully.

When there is an issue around work health and safety, all parties to the issue have to make reasonable efforts to resolve the issue. It is useful to have an issue resolution process in place that everyone knows about. This process should:

- be fair
- include representatives for each party who:
 - are confident about discussing issues
 - have support to help them to negotiate (if they need it)
- give parties the required mandate and decision-making powers.

Example: Identifying hazards

Tauroa Marshalling reviewed its risk register to ensure that all work activity was covered. The company asked each group of workers to look at the risks in their area. They included delivery drivers, maintenance workers, warehouse workers, office workers and production workers.

Workers identified hazards and risks that were not covered by the risk register, including:

- fatigue for drivers
- the use of chemicals by maintenance staff
- slippery floors after cleaning
- manual handling in the loading bay.

Managers, with support from the Health and Safety Committee, reviewed the hazards and risks. They made sure that workers were engaged in identifying the control measures for all the risks the company found and had a say about what would work best in eliminating or minimising them. For example, workers' suggestions led to:

two machines being modified to eliminate hazards

new traffic rules and markings being put in place

improved health and safety signs being put up throughout loading and unloading areas.

The company made sure that workers were told what changes they would be making, and credited people who had given them feedback that led to specific changes.

Keeping records about engagement

HSWA does not specifically require you to keep records about your engagement with workers, but it is good practice to do so. This includes notes about matters people raise and decisions you reach during engagement, and could include audio or video recordings of engagements.

Because of staff turnover, in a few years the people involved in making decisions around a particular engagement or issue may have moved on to a different part of the company, or left the company entirely.

It can be very difficult to remember what actions were taken in the past. The longer ago the actions were, the harder they are to remember, and the fewer details you can call to mind.

If you want to be able to accurately recall details related to a decision, you need to have a record to refer to.

Written, audio or video records may be useful to show that you engaged effectively if you need to establish that.

The benefits of keeping such records might include:

- making it easier for you to review your engagement and participation practices
- helping you as you go through a risk management process
- making disputes less likely
- supporting learning and continuous improvement
- helping in other situations where you need to engage by documenting what worked well (or what could be done better next time).

The records you keep can be brief and simple.

You could hand-write notes (for example, in a work diary) or save them electronically.

You should note:

- when a discussion took place
- who engaged with whom
- what health and safety matters you discussed
- any problems you and the other party identified
- what decisions you made and why
- what is going to happen next – for example, who will take action and by what date
- what action has been taken and when.

If you keep audio or video records, make sure that you state all these points in the recording or in written notes that go alongside the recording.

Minutes are a more formal record of what happened during a meeting. When you engage with workers to cover significant issues, it is good practice to:

- take detailed minutes of the discussion, including any decisions made and follow-up actions needed
- ask the people who took part in the meeting to check that the minutes are accurate
- make the minutes available to all workers.

Written worker participation agreements help to formalise and clarify processes, roles and responsibilities.

Barriers to engagement

You have a legal duty to engage with certain workers in matters relating to work health or safety so far as is reasonably practicable. This is limited to workers who carry out work for you and are likely to be directly affected by the matter. If a PCBU is unwilling to engage with workers, workers can discuss their concerns with Maritime New Zealand.

Although workers have a duty to cooperate with any reasonable policy or procedure you have relating to health or safety at the workplace, they do not have a duty to engage under HSWA. If you find that workers are not engaging to the level you need them to, try to understand why they might be reluctant to engage and what the barriers are. Questions to ask yourself include:

- Have you taken a leadership role in developing a positive workplace culture?
- Are there cultural beliefs or attitudes influencing workers' willingness to engage with you?

Consider conducting surveys, conducting worker interviews, engaging with worker representatives or having informal chats to find out why some workers do not want to engage. Make yourself available to workers so they begin to feel comfortable talking with you, and follow through with the things you say you will do.

Overcoming barriers to engagement

Consider how to overcome any barriers.

- What could the officers of your PCBU and your managers (on board a working vessel this might include skippers or masters) do to provide a better culture for worker engagement to take place?
- What are the most effective ways to encourage and deepen engagement in this workplace?
- Can workplace processes and forms be made simpler so that they are easy for everyone to use and understand?
- Are there potential barriers caused by the situation that you can plan to work around (such as workers on vessels at sea having limited access to people who might engage with them about a problem)?

Show genuine interest in listening to workers.

Share information even if workers at first do not seem interested in engaging.

The duty to engage is ongoing. Even if workers are not keen to engage on one matter, you must make further attempts to engage when future health and safety matters arise that are likely to affect workers.

Some barriers that are common across workplaces are identified below. With each barrier listed we have included lists of questions you could ask yourself if you encounter it.

Barrier: Health and safety not seen as a priority

- If there is a health and safety plan, is it referred to only occasionally, or shut away where no one can find it?
- Are health and safety meetings held at times that make it hard for people to attend?
- Is there a tension between commercial interests and safety interests? (For example, are mixed messages sent about safety when there is a deadline or pressure to complete a task?)
- Do workloads allow enough time to follow health and safety requirements?

Barrier: Poor workplace culture

- Are workers afraid that something bad will happen if they speak up?
- Do people get blamed if something goes wrong?
- Do workplace leaders focus on what is not done well, rather than recognising and rewarding 'good' health and safety practices?
- Does the workplace focus on following rules rather than staying safe? If so, how could you be more flexible without compromising health and safety?
- Do workers feel that their concerns will not be listened to or taken seriously?
- Are managers and supervisors reluctant to commit to improving work health and safety?
- Do managers overlook unsafe acts or conditions?
- Are there people in the workplace who do not trust and respect one another?

Barrier: Too much paperwork

- Is there excessive health and safety paperwork?
- Are forms and systems hard to use or hard to understand?
- Is there jargon (specialised or technical language) in paperwork such as job safety analysis forms?
- Are there no alternative ways for workers who have difficulty writing or speaking to share information about health and safety matters?

Barrier: Not knowing how to communicate effectively and appropriately across cultures

- Is there a lack of awareness and understanding of other cultures in the workplace? For example, the same gestures or body language (including eye contact) may have different meanings in different cultures.
- Is information about health and safety matters communicated using words and terms that people from other cultures may not understand?
- Do you always engage with workers the same way, without considering how including practices from other cultures might encourage more workers to take part?

Other barriers

Do people have too little knowledge or education about health and safety matters?

Are some people 'set in their ways' and reluctant to change how they work?

Engaging with vulnerable workers

It is important to engage with all workers. Your engagement with workers who are vulnerable should also include engagement about ways they might be specifically vulnerable and ways to counteract that vulnerability.

Workers who traditionally suffer higher levels of workplace harm include:

- Māori
- Pacific peoples
- migrants
- workers who are vulnerable because of age, inexperience, or conditions of employment
- workers who are new to the job.

Young workers, disabled workers, and workers with limited English or difficulties reading, writing or communicating may be less likely to question health and safety practices or to speak up if they are unsure.

Use a range of ways to engage with vulnerable workers. Engagement could involve support from:

- an HSR
- a union delegate or representative
- another worker representative
- an interpreter.

Allow plenty of time for workers to understand and respond to information.

Use culturally appropriate engagement approaches such as providing kai at hui, opening meetings with karakia, and practicing whakawhanaungatanga.

Offer 'hands-on' sessions to help workers to better understand a health and safety policy, process, product or procedure.

Use graphics that everyone will recognise, such as international safety symbols.

Write clear and simple material if information has to be in a language, such as English, that is not the workers' first language.

Get workers involved in developing and reviewing documents – this will help to make sure that a document will meet everyone's needs.

WorkSafe has produced good practice guidelines that might be useful to you when you are writing health and safety documents for your workplace.

Have processes that encourage workers with a range of backgrounds and experiences to come forward if HSCs are being established or HSRs are being elected. This will mean that HSCs and HSRs are more likely to reflect the whole of the workforce.

Invite workers to share their cultural beliefs and practices. Be open to new ways of involving workers – these could include practices from cultures represented in your workplace.

Be aware that workers' views about time, schedules, hierarchy and power can vary across cultures.

Consider how the previous experiences of workers new to New Zealand influence their understanding, attitudes and expectations of:

- working conditions
- work health and safety practices
- workers' rights
- risks
- willingness to report hazards and injuries.

Māori workers

Māori workers are at greater risk than non-Māori of receiving an acute injury bad enough that they have to spend a week or more away from work. In the past six years, the rate of such injuries across all sectors has gone up more for Māori than non-Māori.¹

You can engage with HSRs and worker representatives from iwi and other networks to encourage participation that will improve health and safety outcomes for Māori.

¹ Source: [Maruiti 2027: Safe haven. Worksafe Mahi Haumaruru Aotearoa, 2021](#), p. 7.

To help to make sure that participation practices are culturally appropriate, ask for advice from Māori advisers, management or kaumātua familiar with workers' iwi, hapu, whānau or other communities that Māori workers identify with or belong to.

Consider what tikanga principles you could include in your engagement with Māori workers.

Migrant workers

Many factors can affect the health and safety of migrant workers in New Zealand.

- Communication issues may make it hard for workers to report injuries or health and safety concerns.
- They may not understand some health and safety information and be reluctant to ask questions.
- They may have limited access to training.
- There may be differences between how training is conducted and how workers would prefer to learn, as well as language barriers that make reading and writing a challenge.

Example

Samoan-speaking health and safety representative

There are many Samoan workers at Araka Stevedoring. When new procedures are introduced at Araka, toolbox talks are used to make sure that everybody knows what has changed. A team leader reads out the procedure during the toolbox talk. Sefulu, an elected HSR who speaks Samoan fluently, is present at the meeting.

After the toolbox talk, Sefulu sits down with the Samoan workers in groups of three or four and goes through everything again. She makes sure that everybody understands the topic that was covered and answers any questions. If issues arise, or there are questions that she cannot answer, she talks things over with the team leader or the PCBU and gets back to the workers as soon as she can with an answer.

Araka workers who speak other languages (for example, Mandarin and Tagalog) have also chosen bilingual worker representatives who can help them to understand health and safety terms and processes.

You can improve health and safety outcomes by targeting efforts to support migrant workers. For example, there have been positive changes in how health and safety messages are shared in workplaces that have high numbers of Pacific workers through the Puataunofu Come Home Safely project (see description below). The project was set up in 2007 to raise awareness of health and safety issues for Pacific workers and their employers, to inform the Pacific workforce about health and safety practices and standards, and to develop a holistic approach to marketing and communications for Puataunofu.

Puataunofu Come Home Safely project initiatives have included face-to-face workshops with presenters speaking in Pacific languages, acknowledgement of the family and spirituality, and sharing food.

Puataunofu come home safely project

As part of the Puataunofu Come Home Safely project, important messages have been passed on to Pacific workers through storytelling, humour, photographs and other visual aids. In some workshops, participants have learned through action. Puataunofu's Pacific Communication Strategy included the development of a communications resource kit, the Radio 531pi community talkback programme, a health and safety song and a DVD. Although workshops and resources specifically target Pacific workers, initiatives are inclusive of all ethnicities.

Disclaimer

This publication provides general guidance on your duties under relevant legislation (including the the Health and Safety at Work Act 2015 and the Health and Safety at Work (Worker Engagement, Participation and Representation) Regulations 2016). It is not possible for Maritime New Zealand to address every situation that could occur at work, and it is your obligation to make sure you are operating in compliance with legislation and to obtain legal advice where appropriate. This means that you need to think about this guidance and how best to apply it to your particular circumstances. Maritime New Zealand regularly reviews and revises guidance to make sure that it is up-to-date and reflects any changes in legislation, but you cannot rely on this guidance for currency. Please check maritimenz.govt.nz/ to confirm that you are referring to the current version of this publication.



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