

Reviewing your worker engagement, participation and representation (WEPR) practices

This guidance is for persons in control of a business or undertaking (PCBUs) on a ship, a major port or the Cook Strait ferry terminals who are reflecting on their practices for engaging with their workers about health and safety.

This factsheet 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.

This factsheet sets out good practice for meeting the legal obligations. It is your responsibility to make sure you understand and comply with your legal obligations.

The Health and Safety at Work Act 2015 (HSWA) requires every person conducting a business or undertaking (PCBU) to engage with workers about health and safety issues.

In this guidance, we give examples of many good WEPR practices. We then have a self-reflection section where you can think about your business's practices and how well you are doing with WEPR practices.

1. Effective WEPR practices – what 'good' looks like

When you are thinking about how well you fulfil your duties related to WEPR, the following suggestions might help you to think about how good your practices are.

1.1. Know your duties and practices

Begin by knowing and understanding your duties relating to worker engagement, participation and representation, including when you must engage with workers. This is your legal duty under HSWA, and also the starting point for all decisions you make about how to engage with workers and make sure they can participate in health and safety practices.



In setting up or evaluating your engagement and participation practices, you should also make sure you understand:

- how you can best engage with **your** workers, including considering such factors as:
 - how strong your workers' literacy and numeracy skills (reading, writing and number skills) are
 - what languages your workers speak, understand, and use in the workplace
 - how worker representatives, such as health and safety representatives (HSRs), will be involved
 - what approaches have worked well in the past
 - how workers prefer to receive information
- how you can use a variety of ways for engaging with workers.

Have practices that allow workers to participate in health and safety decisions directly or through representation.

1.2. Commit to health and safety and take action

There are many ways you can show commitment to WEPR in your workplace.

- Give workers regular opportunities to think about and report how their work affects their health.
- Encourage those who control work, such as project managers, supervisors, masters, skippers or officers on a vessel to make sure workers have real opportunities to:
 - ask for or suggest improvements to health and safety
 - share their opinions, views or advice.
- When you are proposing changes that could affect workers' health and safety, have the people planning the project build in time to consult with those workers.
- Always let workers know how you have considered their views when you make decisions about work health and safety.
- When a worker raises a health and safety issue, let all workers know the outcome in a timely manner.
- Positively reinforce workers' safe practices. For example, when you notice a worker following safe practices you might let them and others know what they have done well.
- Team up with workers to try out, review and update a range of participation practices that are appropriate for everyone.
- Make sure workers have enough time to have a say and participate before you make a decision about a work health and safety matter.

1.3. Share all relevant information

Give workers information on all matters that are likely to affect their health and safety. Make sure that they understand:

- what the risks are in their work
- potential health and safety risks following changes to work practices
- how they can contribute to identifying and eliminating or minimising risks.

1.4. Use a combination of approaches to engagement

Workers may appreciate engaging with you or their representatives in a variety of ways on health and safety issues. When you engage with workers:

- use a mix of formal and informal approaches
- use multiple communication channels to share health and safety information
- provide many different ways for workers to participate
- know what methods your workers prefer and use appropriate approaches.

1.5. Have processes to encourage health and safety

Openly and supportively discuss with your workers anything that puts their health and safety at risk. This shows them your commitment to health and safety, which encourages them to follow processes and report:

- how processes are working (good and bad)
- near miss events
- challenges with plant and equipment, including whether they are sufficient and their state of repair
- any skill or capability gaps they are experiencing.

Set up processes so everyone can influence how health and safety is managed and improved.

Make health and safety a regular item at team or group meetings.

Have processes that guide how you:

- regularly update and communicate health and safety information (for example, have a policy about what type of information should go on a noticeboard and what type should appear on your intranet)
- capture and respond to health and safety issues raised by workers in a timely manner
- handle any potential disagreements between yourself and workers or their representatives.

Set goals (key performance indicators or whatever your business calls the goals set to make sure it performs as intended) to make sure your engagement with workers is meaningful.

When you plan work, build in time for engagement.

Inform workers about the outcome of any engagement, including specifics about what will happen next and why.

Keep records (such as notes or minutes) about worker engagement.

1.6. Encourage worker involvement

Make sure workers can easily access information about work health and safety matters.

Encourage and support workers to come up with new or better ways to do things that will make the workplace safer.

Make sure workers feel confident about approaching the appropriate person about a health and safety issue and know who to approach.

Encourage workers to regularly raise issues, make suggestions, ask questions and contribute ideas on matters relating to health and safety.

Encourage workers to regularly take action to work more safely.

Make sure workers understand why you have made health and safety decisions (for example, why you have made changes to the workplace or are moving them to a different worksite).

Make sure workers are aware that they can ask to have health and safety representatives or a health and safety committee.

1.7. Follow practices that help workers contribute to decision making on health and safety matters

There are practices you can follow that allow workers to contribute to your health and safety decisions.

- Consult with workers at appropriate stages (for example, before you choose or start using new technology or equipment).
- Ask for workers' views on how changes to work or working conditions might affect their health and safety.
- If you have multiple sites, listen to workers' views about health and safety matters business-wide, not just at one location. This means, for example, ports talking to both land-based and sea-based workers, including workers on all shifts and all vessels they run.
- Track results and make them visible. Make sure both you and workers can describe changes made as a direct result of worker participation. For example, you should be able to identify equipment you have purchased or adapted following worker suggestions, and able to identify practices you have changed following worker advice.

1.8. Support the role of health and safety representatives

If you have HSRs:

- Make sure workers know who the elected HSRs are.
- Make sure workers understand the HSRs' role and responsibilities.
- Support HSRs acting within their powers.
- Make sure everyone in the workplace knows what HSRs do, and what they have the power to do.
- Make sure HSRs have enough time and resources, and the facilities required to carry out their roles.
- Treat being an HSR as part of the HSR's overall job.
- Record the HSR's role by including it in their work objectives or performance agreement for the year.
- Make sure the HSR has enough time to carry out their role as part of their paid work.
- Give the HSR the training they need.
- Acknowledge the contribution the HSR makes to the workplace.
- Involve HSRs in inspections, investigations, and risk assessments.

1.9. Support the role of a health and safety committee

If you have an HSC:

- Arrange for your HSC to meet regularly.
- Make sure representatives on the HSC represent all workers.
- Involve the HSC in developing standards, rules, policies and procedures for improving work health and safety outcomes.
- Consider recommendations that the HSC makes.
- Make sure workers know who their representatives are on the HSC.

1.10. Acknowledge and respond to workforce diversity

Include or represent all work areas and workers in worker participation processes.

Take the needs of different groups into account when you engage with workers.

- Develop worker-specific resources, processes and procedures. For example, if you have workers who speak a variety of first languages, develop resources in those languages.
- Include shift workers and remote workers in worker participation practices.
- Use practices that reflect workers' needs and preferences. For example, if you have workers with literacy needs, make sure the materials you provide for them do not demand high levels of literacy; if you have workers with accessibility needs, make sure the materials are easy for them to access.
- Respect and be sensitive to workers' cultural values and beliefs.

1.11. Engage with vulnerable and at-risk workers

Have processes in place for engaging with workers who are vulnerable or at greater risk of poor health and safety outcomes, including:

- Māori workers
- Pacific workers
- disabled workers
- migrant workers
- young or inexperienced workers, for example those who are new to the job
- temporary or seasonal workers, who are vulnerable because of their conditions of employment
- workers who have limited literacy and numeracy skills.

Be mindful that some aspects of diversity can increase workers' vulnerability. For example, a worker whose first language is not English might have difficulty understanding processes and procedures, which increases their vulnerability. Setting up your practices in ways that take account of workers' diversity helps you to decrease their vulnerability.

1.12. Coordinating multiple PCBUs at one workplace

If there are two or more PCBUs with workers at the same workplace, good worker participation practices go across all the PCBUs.

Give all workers a fair chance to be equally involved in health and safety at this workplace, no matter which PCBU they work for.

Make sure workers know which PCBU is in charge of which health and safety matters, especially in areas where both PCBUs have a duty in relation to a matter.

Document (for example, take notes or meeting minutes, or record meetings) how multiple PCBUs have consulted, cooperated and coordinated with each other on WEPR practices.

2. How well are your worker participation practices working?

Think about how well you do each of the things listed in the table below, and give your organisation a rating from 'really well' to 'not at all well'. Consider asking your workers for their perspectives on these points. **Anything that you are not already doing really well is an area that needs improvement.**

In the guidance from Maritime New Zealand around complying with HSWA, you will find information about some actions you can take to improve your WEPR practices.

Good practice	Our workplace does this...		
	Really well	So-so	Not at all well
You (the PCBU) know what your HSWA duties for WEPR are			
You clearly communicate health and safety information to all workers*			
You and workers* openly discuss health and safety			
You developed your WEPR practices after talking with workers* to find the best fit			
You actively seek worker views on health and safety matters and consider these views when making decisions			
You encourage and support workers* to be involved in health and safety matters			
Workers* have reasonable opportunities to tell you what they think about health and safety matters, through established processes			
You makes changes that improve health and safety in response to issues that workers* raise			
You inform workers* of work decisions that affect their health and safety in a timely manner			

* When you engage with workers, you include any worker representatives at the workplace

TABLE 1: Self-review: Strengths and areas for improvement at your workplace