



## Health and Safety

### MBIE PSA Worker Participation Agreement

#### 1. Purpose

1.1 This agreement is intended to improve health and safety in the workplace by, workers engaged by the Ministry of Business Innovation and Employment and the union(s) representing the workers. This agreement is to be read in conjunction with any other health and safety provisions contained in collective or individual employment agreements and in law. The parties agree that this agreement sets out a system of worker engagement, worker participation practices and worker representation as required by the Health and Safety at Work Act 2015 (HSWA).

#### 2. Scope

2.1 This agreement applies to all workers who carry out work in any capacity for the Ministry of Business Innovation and Employment (MBIE).

#### 3. Definitions

3.1 For the purposes of this agreement key terms such as participation and engagement, worker, PCBU and Health and Safety Representatives (HSR) are the same as those defined in the HSWA and its supporting regulations. Likewise the obligations of the PCBU and powers of HSRs are defined in the legislation and regulations.

#### 4. Engagement with workers

4.1 The Ministry of Business Innovation and Employment is committed to engaging with all workers on health and safety by:

- (a) providing visible leadership and direction through the Health, Safety and Security Governance Committee (HSSGC).
- (b) actively engaging with workers and participating in discussions with HSRs.
- (c) ensuring that appropriate systems and resources are utilised to eliminate or minimise risks.
- (d) modelling positive behaviours and encourage positive behaviours from all MBIE people and people MBIE engages with.
- (e) ensuring that managers are responsible and accountable for managing their particular risks.
- (f) continually improving our approach and providing leadership to related programmes and initiatives.

4.2 In turn, MBIE expects that workers:

- (a) embed health and safety thinking in the way we approach our work.
- (b) understand the risks and hazards associated with our individual roles and ensure the use of appropriate risk prevention controls in carrying out our roles.
- (c) report incidents and near misses.
- (d) learn from safety events, and implement changes as necessary.
- (e) act as health and safety leaders by calling out unsafe behaviour, and encouraging others to think and behave safely.
- (f) use the tools provided to do our job safely, be it by utilising protective equipment, following policies and procedures, or completing training.
- (g) follow health and safety policies and procedures and ask questions if the task they are required to do does not appear to be safe.

## **5. Worker representation – health and safety representatives and committees**

5.1 MBIE is committed to supporting HSRs in their role, as described in the Health and Safety Representative Role Document (refer **Appendix I**), and:

- (a) encourages their participation in the relevant health and safety committees, including the three work group sub-committees (office work, front facing work, and field work) and site sub-committees.
- (b) has included 9 HSRs, plus a union representative to be part of the Health, Safety and Security Steering Committee, which is chaired by the DCE, Corporate, Governance and Information (CGI) (refer **Appendix II** for Terms of Reference and supporting Health and Safety Committee Structure diagram).
- (c) will ensure that all HSRs are trained to undertake their role, and that some will be trained to a more advanced level.
- (d) will organise an annual conference for HSRs. The PSA representatives, national and local organisers will be invited to the Conference.
- (e) will call for nominations and run an election process (if necessary) for HSRs every three years, or when required (see the Election document, refer **Appendix III**).
- (f) will actively involve HSRs in risk and hazard analysis and mitigation.
- (g) will actively involve HSRs in assurance processes, such as ACC Partnership Audit, and any investigations.
- (h) will regularly engage with PSA organisers and delegates on health and safety matters.

## **6. Problem solving and escalation process**

6.1 The parties agree that every attempt will be made to solve health and safety issues at the lowest possible level. However, it is recognized that some issues may need to be escalated to a higher level within the organisation when there is a failure to agree.

- (a) Any matter causing a worker to be concerned about their health and safety should be raised with that worker's immediate line manager, either by that worker or their HSR.
- (b) If the manager cannot immediately resolve the matter to the worker's satisfaction, the relevant HSR and PSA delegate will be approached if they have not already become involved and/or (if the worker is not a PSA member) the manager can seek expert subject matter advice from the Health, Safety and Security Branch Advisors.
- (c) The manager, HSR and PSA delegate will work together to obtain a satisfactory resolution. An action plan should be agreed within 48 hours of the issue being raised.

- (d) Where a satisfactory resolution is not reached, or if the hazard or risk affects workers across the country they can immediately escalate the issue to the Health, Safety and Security Steering Group (HSSSG), who will work with either the PSA enterprise committee convener [or could be a national health and safety delegate or similar, if in place] or organiser and the principal health and safety advisor to resolve the matter.
- (e) If the issue remains unresolved, the matter will be referred to a meeting of the chief executive and a PSA national or assistant secretary.
- (f) If the issue remains unresolved at this point either party may seek assistance in resolving the matter under s.99 of the Health and Safety at Work Act 2015.
- (g) At any point a provisional improvement notice may be issued by a trained HSR.

## 7. Multiple PCBU environments

7.1 Where workers from another PCBU are to be present in a workplace of MBIE on short term basis representation (if required) shall be through HSRs elected by work groups in that workplace under this agreement. Where they are to be present on an extended basis, and they have their own HSRs, they shall be invited to join the relevant health and safety committee as full participants.

## 8. Review of System

8.1 This worker participation system shall be reviewed every 3 years as a minimum or more regularly by agreement. This review will take place in the year that the election process is not taking place.

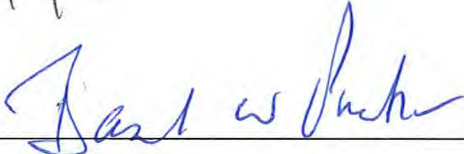
## 9. Parties to this agreement

9.1 The following are party to this agreement and undertake to co-operate in good faith to ensure the effective ongoing improvement of health and safety.

Signed:  National Delegate Convener

Robert Bennett

Date: 9/9/16

Signed:  PSA Assistant Secretary

Basil Prestidge

Date: 9/9/16

Signed: David Smol Employer/PCBU (MBIE)

David Smol

Date: 9/9/16

## ***Appendices***

***Appendix I Health and Safety Representatives Role Document***

***Appendix II Terms of Reference Health and Safety Committees and Health and Safety Committee Structure diagram***

***Appendix III Election of Health and Safety Representatives***