



February 2019

WORKSAFE POSITION

When will WorkSafe Intervene?

Purpose

This position sets out how we'll decide if we should intervene when an issue is brought to our attention.

We use the term 'intervene' to cover all of our activities, including programmes, guidance and educational campaigns, inspections, investigations, and enforcement.

Our role

We are New Zealand's primary health and safety regulator. Our main objective is to promote and contribute to a balanced framework for securing the health and safety of workers and workplaces, as stated in the *WorkSafe New Zealand Act 2013*.

As the primary work health and safety regulator, we may intervene in any matter that falls within the scope of:

- the *Health and Safety at Work Act 2015* (HSWA) and its associated regulations¹
- the *Electricity Act 1992*
- the *Gas Act 1992*
- and the parts of the *Hazardous Substances and New Organisms Act 1996* (HSNO) about hazardous substances responsibilities in workplaces.

How we choose when to intervene

We won't intervene in every matter. We have a public duty to manage our funding and resources to get the best long-term outcomes for all New Zealanders.

This means we have to make choices about whether or not we'll intervene. To help us decide we consider:

- Will intervening help us to deliver on our purpose and functions?
- Does the matter fall within our jurisdiction?
- Are we the best placed agency to intervene?

Will intervening help us to deliver on our purpose and functions?

We'll consider whether intervening helps us to deliver on our purpose and functions as outlined in the *WorkSafe New Zealand Act 2013*². If not, it's unlikely we'll intervene.

If it helps us deliver on our purpose and functions, we'll prioritise matters that will have the greatest impact on achieving our long-term goals.

Does the matter fall within our jurisdiction?

We'll consider whether the matter falls within the Acts and regulations we are responsible for.

Are we the best placed agency to intervene?

We'll consider if another agency³ is best placed to intervene. They may be 'best placed' if:

- they operate under legislation or regulations, or have functions, that make them better suited to address the matter
- they have more effective tools, skills, competencies or powers to influence behaviour.

If another agency is best placed, it's unlikely we'll intervene.

¹ Except where the matter is with another agency that is the designated regulator for health and safety: Maritime New Zealand for maritime safety, and the Civil Aviation Authority for aviation safety.

² Section 10 of the Act provides our organisational purpose and functions.

³ 'Agency' means any government department, Crown Entity or Agent that has legislative authority to monitor compliance and do enforcement activities. Some of the agencies we work a lot with include: Maritime New Zealand, the Civil Aviation Authority, the Environmental Protection Authority, the New Zealand Police, and the New Zealand Transport Agency.

Agreements and Memoranda of Understanding

We work with some agencies regularly. We have agreements, or Memoranda of Understanding, with some of them to:

- balance the priorities of our organisations
- identify and manage any potential gaps or overlaps.

We'll use these agreements, where applicable, when we make our decision to intervene.

How we make intervention decisions

We'll consider all the answers to the questions and make a decision on whether we take action.

Changing an intervention decision

We may change an intervention decision at any time if we get new information.