

Endorsing Guidance and Education Products

OPERATIONAL POLICY

November 2017



CONTENTS

Introduction	1
Background	1
Purpose	1
Scope	1
Objectives of Endorsement	1
Types of Endorsement	2
Endorsement Policy	2
Part One: How WorkSafe will manage endorsement requests	2
Part Two: Conditions for all WorkSafe endorsement activity	4
Definitions	6

Introduction

The Endorsing Guidance and Educational Products Policy (the Policy) describes the approach WorkSafe New Zealand (WorkSafe) takes to endorsing guidance and education products (products) developed by external parties¹.

Background

A core function of WorkSafe is to educate duty holders, and others, about their work health and safety responsibilities. One way WorkSafe does this is by producing health and safety guidance and education products².

As WorkSafe's resources are finite it cannot produce all the products the system requires. By endorsing another organisation's products WorkSafe can support external parties to develop high quality health and safety products that fill a gap in the system.

WorkSafe is frequently approached by external parties seeking endorsement of products. WorkSafe may also choose to find and refer to an externally produced product to support a specific business activity or product.

While endorsing an external party's products has benefits there are also risks to be managed.

Purpose

The purpose of this Policy is to:

- clarify what endorsement is, and is not
- guide decisions about when and how to engage with external parties that have requested WorkSafe's endorsement of their health and safety product, and
- outline the requirements for any product WorkSafe endorses.

Scope

The Policy outlines WorkSafe's approach to endorsing externally developed products. It applies when:

- endorsement is requested, and
- WorkSafe, as an organisation or via our website, finds and refers people to specific products.

The Policy does not apply in situations where WorkSafe staff use their discretion and experience to refer individual PCBUs to materials that inform their specific circumstances.

The Policy only covers guidance and education products. It does not cover endorsement of commercial health and safety products such as personal protective equipment and health and safety systems.

Objectives of Endorsement

The purpose of endorsing a product developed by an external party is to:

- provide consumers with assurance that the content is aligned to regulatory requirements and accurately reflects good health and safety practice in New Zealand, and
- encourage external parties to develop their own products and to use their distribution channels to target relevant duty holders.

¹ Refer to the definitions section for the meaning of external party.

² Refer to the definitions section for the meaning of guidance product and education product.

Types of Endorsement

In this Policy endorsement means:

- validation, approval or support either given by WorkSafe, or perceived by the public to have been given by WorkSafe, or
- funding, or other resource, provided by WorkSafe for the development of an external party's product.

Endorsement can be:

- **Formal:** where WorkSafe's logo or branding appears on the final product, or
- **Informal:** where WorkSafe's logo and branding does not appear on the final product, for example where we agree to review industry guidance.

Endorsement Policy

The Policy is divided into two sections:

- **Part One: how WorkSafe will manage endorsement requests**

This section only applies in situations where WorkSafe has been contacted by an external party requesting endorsement of their product.

- **Part Two: conditions for all WorkSafe endorsement activity.**

This section applies to any endorsement activity undertaken by WorkSafe.

This means situations where endorsement is requested and where WorkSafe, as an organisation or via its website, finds and refers people to specific products.

Part One: How WorkSafe will manage endorsement requests

When WorkSafe will consider requests for endorsement

Requests for endorsement must be in writing. WorkSafe will consider endorsement if the external party meets all four criteria set out in this section³. The written request should provide WorkSafe with enough information to be able to assess whether the criteria are met.

Criteria for considering endorsement requests

a. WorkSafe will only engage with credible external parties

To be considered credible, parties should:

- be respected by PCBUs and workers in their industry
- have a corporate track record that is financially and lawfully sound
- have skills, experience, distribution networks and/or resources that would add value to the engagement, and
- have a public image WorkSafe would be comfortable being associated with, including a commitment to improving the management of health and safety risks within New Zealand workplaces.

WorkSafe will not enter into an endorsement arrangement with any party that has recently committed a serious breach of their health and safety obligations or is subject to a current WorkSafe investigation or prosecution.

b. Endorsement will address a gap in the market

WorkSafe will only endorse a product where there is lack of quality, relevant products for a given topic or theme. Products that duplicate existing material developed by WorkSafe or another New Zealand regulator will not be endorsed.

³ Even where an organisation meets all four criteria, WorkSafe may still choose to decline the request.

c. Endorsement is more effective and efficient than WorkSafe developing the product

Due to the level of resource required to undertake endorsement activities, WorkSafe will only consider entering into an endorsement arrangement where it is more efficient and effective than WorkSafe producing the product itself. This is likely to be when the external party:

- has access to:
 - › subject matter experts WorkSafe does not have in-house, and
 - › relevant distribution channels meaning more duty holders will receive the health and safety message
- is highly regarded by relevant duty holders making them more receptive to the health and safety content of the product
- agrees to bear most of the cost for developing and publishing the product, and
- will deliver the product sooner than WorkSafe would.

d. WorkSafe will prioritise products that align with its strategic priorities

Endorsing products is time consuming and requires WorkSafe to dedicate resources to co-creation (if applicable), quality assurance and review.

As WorkSafe's resources are limited priority will be given to opportunities that align with the existing work programme or focus areas for harm reduction⁴.

How WorkSafe will engage with parties who request endorsement

WorkSafe will apply the following principles when engaging with an external party who has requested endorsement:

a. WorkSafe will act in good faith

WorkSafe will consider all endorsement requests. If WorkSafe chooses to enter into an endorsement arrangement it will do so in good faith and will work collaboratively to produce products that improve the control of work health and safety risks. If, during the process, WorkSafe and the external party are unable to agree on content, WorkSafe may withdraw from the arrangement and, in doing so, choose not to endorse the product.

b. The endorsement process will be transparent

WorkSafe will make this Policy publically available. Any external party can apply to WorkSafe for endorsement. Each applicant must demonstrate that their organisation, and product, meets WorkSafe's criteria. Where WorkSafe's logo or branding appears on a product, it must be accompanied by a statement about WorkSafe's endorsement process.

c. WorkSafe will be clear about the reasons for declining a request for endorsement

There is no obligation on WorkSafe to endorse any product and in many cases requests will be declined. When declining a request, WorkSafe will be transparent about the decision and advise the applicant of the reasons in writing. Reasons for WorkSafe declining an endorsement request include, but are not limited to:

- the external party being unable to meet any of the conditions for endorsement outlined in the Policy
- information accompanying the application that indicates the product may:
 - › be inappropriate for the industry context, and
 - › not reflect an improvement in the control of health and safety risks to a level WorkSafe is comfortable with

⁴ As described in the definitions section.

- evidence suggesting the applicant does not have sufficient credibility with industry, and/or worker representatives, and/or WorkSafe, and
- WorkSafe not having available resources to dedicate to the request.

Part Two: Conditions for all WorkSafe endorsement activity

The following conditions must be met for any endorsement activity undertaken by WorkSafe. This includes situations where endorsement is requested and where WorkSafe, as an organisation or via its website, finds and refers people to specific products.

a. Endorsed products must meet WorkSafe’s quality requirements

All endorsed products must meet the same quality requirements as WorkSafe’s internally developed products. WorkSafe will review the product to ensure these requirements are met. The quality expectations are that:

- the content:
 - › is technically and legally⁵ correct, and
 - › reflects current good practice and health and safety knowledge
- it is clear who the intended audience is
- the content is presented in plain English or is easily understood by the intended audience
- the context in which the product is to be applied is clear
- diagrams and images are relevant and aid the consumer’s understanding
- source material is reliable, accessible and evidence based
- the product does not breach copyright or other intellectual property laws
- where possible a range of stakeholders including unions, workers or their representatives have been involved in the development of the content⁶
- there is a clear distinction between the mandatory content and the explanatory content⁷, and
- where applicable, the product covers management of health risks as well as safety risk, and covers chronic harm as well as acute harm.

b. Endorsed products must be consistent with WorkSafe policy and positions

Products will be checked by WorkSafe’s Operational Policy team and Legal Services to ensure they align with policy and legal expectations. WorkSafe will not endorse products that establish a lower level of risk management or worker engagement, participation and representation than that set out in the relevant legislation or WorkSafe’s policies and positions.

c. Products must be freely available

When endorsement is requested:

The product must be made available free of charge via WorkSafe’s website. Parties seeking endorsement of a product will be encouraged to adopt Creative Commons Licensing CC BY-NC 3.0 NZ⁸. If this is not practicable, an alternative means of free access, acceptable to WorkSafe, must be agreed before the endorsement is considered. The external party may produce an alternatively formatted version to that on WorkSafe’s website, but it may not alter the content. They may also charge for hard copy versions of the product.

⁵ This means legally correct for the jurisdiction the product applies to.

⁶ This may not be able to be confirmed for international products that WorkSafe finds and refers to.

⁷ When WorkSafe find and refers to international content, WorkSafe must: advise that any mandatory content does not apply in New Zealand and explain what New Zealand law does require.

⁸ Creative Commons Licensing is consistent with WorkSafe’s objective to make publications, including publications it endorses, freely available

When WorkSafe finds and refers to a product:

WorkSafe must ensure that it has the authority to duplicate or reference the material, and that the product's copyright is not being breached.

d. The product will be endorsed in full

WorkSafe will only endorse complete guidance products. WorkSafe will not endorse parts of guidance products as it could be perceived that WorkSafe is endorsing the whole.

e. The endorsement will be time limited

The endorsement will generally last for a period of time that matches the review cycle for WorkSafe's own guidance or education products of a similar type.

WorkSafe will maintain a list of current endorsed products and their expiry dates on its website.

When endorsement is requested:

- The product will have a review date written on it. If the external party wishes to review the product early and/or extend the endorsement they will need to apply in writing. WorkSafe will then apply the criteria in this Policy.
- Content changes must be submitted to WorkSafe. No amendment or revision to the product may occur without the written consent of WorkSafe.
- If WorkSafe decides to withdraw its endorsement, the product may be removed from the WorkSafe website. If the external party continues to make the product available, any WorkSafe branding must be removed.

When WorkSafe finds and refers to a product:

- WorkSafe will implement:
 - › a review cycle, and
 - › an alert mechanism for changes to the source document.
- If WorkSafe decides to withdraw its endorsement, the product may be removed from any WorkSafe branded website.

f. WorkSafe can revoke the endorsement

WorkSafe may revoke a product's endorsement if:

- the external party does not comply with the conditions set out in this Policy
- the content becomes outdated by changes to legislation, regulation or practice
- the advice is presented or applied in a way WorkSafe deems contrary to its objectives and the conditions of endorsement, and
- the external party falls into disrepute and no longer meets the credibility criteria set out in this Policy.

WorkSafe will not pay compensation for any losses or costs incurred as a result of withdrawing endorsement of a product.

If WorkSafe withdraws its endorsement the external party must not distribute products with WorkSafe branding.

g. WorkSafe may consult social partners

WorkSafe operates a tripartite engagement model. While WorkSafe will ultimately decide whether the product will be endorsed, the tripartite engagement model ensures the perspectives of the regulator, business and worker representatives are considered. All external products WorkSafe decides to endorse may be subject to consultation with WorkSafe's social partners⁹ prior to endorsement being given.

⁹ Refer to the definitions section.

Definitions

Education Product

A product that provides a learning experience which can be measured or evaluated by a change in the recipient's knowledge and capability

External Party

The term external party is intended to have a broad meaning. It includes, but is not limited to:

- Government Departments and Crown Agencies.
- Local Government Agencies.
- District Health Boards.
- WorkSafe's social partners.
- Industry associations.
- Unions.
- Leadership and professional networks and steering groups.
- Government and industry initiatives.

Focus areas for harm reduction

- Focus Area Sectors as at November 2017

Sectors as identified in the Harm Reduction Plan 2016-2019, namely: Agriculture; Construction; Forestry; Manufacturing and Health Care and Social Assistance.

- Cross Industry Themes as at November 2017

Slips; trips and falls; working in and around vehicles; noise; body stressing; clean air and high incident businesses¹⁰.

Guidance product

Guidance products include written material of similar standing to WorkSafe's: Approved Codes of Practice; Good Practice Guides and Fact Sheets.

Social Partners

WorkSafe's social partners are Business New Zealand and the Council of Trade Unions.

Tripartite engagement model

WorkSafe engages with other government bodies (designated agencies), employers (Business New Zealand) and workers (Council of Trade Unions).

¹⁰ See WorkSafe's current Statement of Performance Expectations on our website for an up to date list.

Disclaimer

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