

August 2022

How we formalise our collaborative relationships

This policy's purpose

This policy sets out how we build, formalise, and maintain collaborative relationships between WorkSafe and other organisations (our partners) that are recorded in an agreement.

This policy covers organisation-level relationships. A relationship is at an organisation level if it's about how the partners will:

- deliver their respective functions
- manage situations where there's an overlap in their responsibilities
- work together to deliver a shared, ongoing programme of work, or
- establish ongoing strategic alignment.

The policy doesn't cover relationships:

- that are one-to-one between our staff and individuals in other organisations or professional bodies
- involving funding
- with the Ministry of Business, Innovation and Employment (MBIE), Ministers, and Parliament, governed by:
 - Crown Entities Act 2004
 - Public Finance Act 1989, and
 - Ministerial expectations.

Why we build relationships

We're the primary work health and safety and energy safety regulator. We work with other organisations – including non-government organisations and the private sector – to achieve shared outcomes and manage our work health and safety system effectively.

We formalise our relationships through agreements to ensure our relationships are transparent and clearly understood. The agreements help us be accountable, achieve our shared objectives, and perform our individual roles in the work health and safety system.

How we approach relationships

We apply the following principles to our relationships:

Partnership

- Our relationships are collaborative.
- Together with our partners, we:
 - focus on what we can achieve together. We may also include separate outcomes as part of our agreement.
 - agree a shared basis for working together.
- We understand that our relationship agreement doesn't affect our role as a regulator of the other partner.

Trust

- We work with our partners in an open, transparent, and mutually supportive way.
- We are accountable to our partners so that they and others have confidence in us and what we do.
- We are trusted to uphold the Public Service Values set out in section 16 of the Public Service Act 2020.

Respect

- We recognise the time and effort required from our partners to build and maintain a relationship.
- We make sure our relationships are meaningful.
- We work to raise the mana of those we partner with by supporting them to achieve shared outcomes and recognising when we have a role to help them achieve their aspirations.
- We acknowledge and work to address any imbalances in our partnerships that our role as a Crown entity, and representative of the Crown, may create.

How we develop and formalise relationships

When we're formalising a relationship, we take the following approach.

We lay the groundwork first

Before we put pen to paper, we work with our partners to:

- clarify what we could achieve together through a relationship
- understand what's important to each other, what problems and opportunities a relationship can respond to, and what success looks like for us both
- clarify what resources would be required to achieve the intended outcomes, and whether these resources are available.
- confirm that our shared vision of success aligns with each organisation's purpose and strategy
- agree how we'll know if our relationship isn't working, or if has come to a natural end, and what we'll do about it.

We don't commit to things we can't deliver.

We document the relationship in a written agreement

After we've laid the groundwork, we formalise our relationship in a written agreement.

We work collaboratively and draw on in-house expertise

We draw on appropriate resources from across the business to develop our relationship agreements, including technical, policy and legal advice and review.

We select the most appropriate form for the relationship agreement

When we document a relationship we use one of our standard agreement types unless our partner identifies a very good reason not to.

Our standard relationship agreements include memorandums of understanding (MOU) and schedules, operational agreements, and partnership agreements.

We commit to the life cycle of the agreement

We treat a relationship agreement as a living document.

Each agreement is signed on our behalf by a representative. This person is responsible for:

- ensuring we are delivering in line with the agreement
- ongoing engagement with our partner to check that the relationship is running smoothly and
- resolving any challenges.

This means we:

- make the time to check in regularly with our partners
- review and update our relationship agreements, and
- work through challenges constructively.

We publish our relationship agreements

We publish our relationship agreements unless our partner identifies a very good reason not to.

Publishing our agreements encourages us to be transparent, accountable, and attentive to our relationships.

Our relationship agreements aren't legally binding

Our relationship agreements aren't contracts. This means that we don't include things in them that are, or are likely to be, legally binding. If we want an agreement to contain legally binding content we use an appropriate contracting process instead of a relationship agreement.

Regardless, we always act in good faith towards our partners.

We're clear with our partners that having a relationship agreement doesn't change their duties under HSWA or preclude us taking action as a regulator.

When a relationship agreement isn't the right mechanism

There are situations where formalising a relationship may not be appropriate, such as:

- being unable to agree what success should look like
- partners are unable to reach agreement about shared outcomes
- either side having insufficient resources to engage effectively.

When a relationship agreement isn't the right mechanism, we'll explore other ways we can work together in good faith.