

Worker engagement, participation and representation

Purpose

This position sets out CAA's expectations on worker engagement, participation and representation in health and safety. It also outlines the related duties of engagement and participation.

Why is worker engagement, participation and representation important?

Strengthening worker engagement, participation and representation are priorities for us. They are key aspects to growing a positive health and safety culture in New Zealand workplaces.

Strong worker engagement and participation lead to healthier and safer workplaces. They are also good for business performance and productivity – because they help inform better decisions. When workers are part of shaping safer work systems, they can suggest practical, cost-effective solutions, and are more likely to make them happen in practice.

What does the law require?

A Person Conducting a Business or Undertaking (PCBU) has a general duty to regularly communicate about health and safety with its workers. Special requirements are in place for worker engagement, participation and representation for Part 115 as a high risk activity.

Health and Safety Representatives (HSRs) and Health and Safety Committees (HSCs) are well-established forms of participation that can support worker engagement. Any PCBU can initiate the election of a worker to be an HSR or establish an HSC. Certain PCBUs are required to have an HSR or consider an HSC if requested.

What is worker engagement and participation?

Engagement and participation are related duties. What is done to meet one of those duties can help meet the other. Both duties involve two-way communication in a 'conversation' about health and safety. Everyone involved in work must be able to contribute and have their opinion considered when Health and Safety decisions are made.

Each PCBU determines the best way to meet its duties. What is reasonable and effective will depend on workers' views and needs, the size of the organisation and the nature of its risks. A PCBU can keep existing engagement and participation practices if these are effective and consistent with the HSWA.

What are CAA's expectations about engagement and participation?

We expect a PCBU to have deliberate, planned ways to engage and support participation. Both engagement and participation are more likely to be effective where workers have formal and informal ways to contribute. As part of their due diligence, officers should ask questions about the effectiveness of a PCBUs' worker engagement and participation practices.

How the CAA expects PCBUs to act in health and safety matters

Engagement is how a PCBU involves workers in health and safety matters and decisions in the workplace.

We expect that a PCBU will:

- share information and decisions in a timely way
- give workers reasonable opportunity to share their views, raise work health or safety issues, and contribute to the decision-making process
- consider the views of workers
- advise workers of the outcomes in a timely way.

How workers and decision makers can participate effectively

Participation is one way for workers to raise health and safety concerns, suggest ways to improve health and safety, and make decisions that affect work health and safety.

When participation practices are effective:

- people have opportunities to raise issues or suggestions quickly
- workers know how to participate, and use opportunities to do so
- decision makers in the PCBU consider and respond to workers' contributions.

What is the CAA's approach to worker engagement and participation?

Our priority is to inform, educate and support PCBUs and workers, to help them understand what effective engagement and participation looks like, and ways to put it into practice.

We consider a PCBU's engagement and participation practices in our work with them. If we find problems, we act in a way that is proportionate to the situation. When our inspectors interact with a workplace, we ask questions, provide relevant information and, where necessary, require the PCBU to make improvements. Where relevant in an investigation, we will consider how a PCBU met worker engagement and participation obligations, and whether any failures contributed to the problem.

If you have an Health and Safety problem or issue that you think falls within the CAA's jurisdiction then you should:

- In the first instance, address it with your colleagues or representatives, and then your employer, in an attempt to get the issue resolved in the best way. The [Health and Safety at Work Act](#) is quite specific with respect to the responsibilities of all parties.
- If your in-house action does not result in a fix for the problem or deal with the issue, then contact the Health and Safety Unit of the CAA.

What is worker representation?

Worker participation can involve representation. Representation means that workers choose one or more people to speak or act on their behalf. Representation can also assist a PCBU to meet its duties – but it might not always be enough to have representation alone.

Health & Safety Representatives (HSRs) and Health & Safety Committees (HSCs) can play an important role in helping a PCBU to meet its duties provided that they are used effectively.

A PCBU should be able to demonstrate how its worker engagement, participation and representation practices are effective. A PCBU who expects workers to engage or participate directly assumes that everyone feels confident speaking up. However, some workers may find it hard to bring up issues, for example, temporary workers, contractors, young workers or workers from cultures where challenging authority is considered disrespectful. Representatives can give these workers a voice on health and safety matters.

Why worker representation is beneficial for a workplace

Worker representation can benefit a business or undertaking in many different ways.

- Representation provides a voice for workers who would not otherwise speak up about health and safety matters.
- Health & Safety Representatives (HSRs) can identify hazards and work with a PCBU to manage them.
- Representatives provide a link between workers and management.
- Representation helps in situations where it is not practical for a PCBU to talk one-to-one with its entire workforce.
- A representative who is involved in the day-to-day process of a business or undertaking, rather than in management, provides a different perspective on the workplace.
- HSR training ensures that HSRs are knowledgeable about health and safety legislation and aware of the rights and responsibilities of everyone in the workplace.
- Trained HSRs have additional powers that enable them to take action on behalf of their work group. The training for this is US 29315.

You have the right to contact the CAA at any time regarding any HSWA issues that fall within the CAA's designation.

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The information presented in this document is intended for general use only. It should not be viewed as a definitive guide to the law, and should be read in conjunction with the Health and Safety at Work Act 2015 and associated regulations (where relevant).