

## Government Health & Safety Lead's Tier 2 HSW Leaders Programme:

The Programme is designed for Tier 2 leaders who have the Health, Safety & Wellbeing (HSW) function lead, who will generally not be technical HSW experts. The program will build a cohort of leaders responsible for HSW functions who will be able to collaborate and share experiences.

## Meet our Champions:

The Tier 2 HSW Leaders Programme is championed by Janine Hearn from Fire and Emergency NZ and Richard Griffiths from the Ministry of Business, Innovation and Employment.

Hear what they have to say and about why this programme is here to support you.



## Work Health and Safety Matters

This first Environmental Scan, *Work Health and Safety Matters*, offers a snapshot of key recent events and changes across health, safety and wellbeing.

## Breakfast Event:

The Tier 2 Health, Safety & Wellbeing (HSW) Leaders' inaugural Breakfast event is on October 23 at MPI, Pastoral House. Janine Hearn from Fire and Emergency NZ will discuss her experiences and insights regarding the Muriwai land slip and Volunteer Firefighter fatalities.

[See the Breakfast event agenda here](#)

## Upcoming Officer Development Training

The Officer Development Programme. Designed specifically for public service agency senior leaders with officer responsibilities under the Health and Safety at Work Act 2015 (HSWA).

COURSE 13 - Mike Cosman				
Module	Topic	Location	Date	Time
Module 1 & 2	Managing, leading and governing health and safety; and H&S Risk Management	In person (Wellington)	Thursday 13th March 2025	8.30am – 1pm
Module 3 & 4	Overlapping duties; and Monitoring what matters	In person (Wellington)	Thursday 15th May 2025	8.30am – 1pm
COURSE 14 - Craig Marriott				
Module	Topic	Location	Date	Time
Module 1 & 2	Managing, leading and governing health and safety; and H&S Risk Management	In person (Wellington)	Thursday 14th August 2025	8.30am – 1pm
Module 3 & 4	Overlapping duties; and Monitoring what matters	In person (Wellington)	Thursday 18th September 2025	8.30am – 1pm

For any questions please contact Lance Goodall, Director of the GHSL:  
[Lance.Goodall@mpi.govt.nz](mailto:Lance.Goodall@mpi.govt.nz)



A snapshot of cases we have seen from New Zealand, Australia and further abroad which have insight and implications for New Zealand

### Lyttelton Port – Addressing issues previously identified:

Reviews of a fatal accident where a Stevedore was struck and killed by coal being loaded into a jet-slinger at Lyttelton Port identified a number of key themes:

- Prior incidents indicated that existing safety protocols were inadequate but warnings and previous near miss incidents went unaddressed, leading to a preventable tragedy.
- Absence of reported incidents does not guarantee safety.
- The need to be regularly review and update safety protocols, independent of incident history.
- Relying solely on administrative controls is insufficient.

[A fuller report can be found here.](#)

### Guilfoyle v Walshaw – Queensland – Due Diligence:

This recent Australian case related to officer due diligence and are relevant to New Zealand's Health and Safety at Work Act. Key points from the case:

- Court emphasised duty of an 'officer' is different from responsibilities of a PCBU.
- Officers must take reasonable steps to ensure systems are in place to manage risks.
- Officers are not required to micro-manage the actions of competent employees.

The Court found that the officer, in this case, reasonably believed that the manager had the experience and resources necessary to perform the role and emphasised that due diligence is about ensuring oversight, not doing everything personally.

[A fuller article by MinterEllison can be found here.](#)

### Bullying and Harassment costs:

Recent cases, like the Siouxie Wiles v Auckland University and Kath and Ron Cronin-Lampe v Melville Highschool, highlight that psychosocial harm, such as workplace bullying, harassment and stress, is increasingly being addressed through the employment relations court process.

While these disputes often focus on employment grievances, the courts are paying closer attention to the employer's obligations under the Health and Safety at Work Act (HSWA) to manage psychosocial risks in the workplace.

A 2024 KPMG Report, produced in conjunction with the Human Rights Commission, estimates that workplace bullying and harassment cost New Zealand employers \$1.34 billion over a 12-month period. The report revealed that one in three workers experienced these harms, resulting in high levels of turnover, absenteeism and lost productivity. For example, \$568m (42%) of the total economic impact was driven by turnover costs and \$547m (41%) was lost to absenteeism and presenteeism.

[KPMG's 2024 report can be found here](#)

# Useful Insights and Resources

Compiled current resources and identified insights from the experts on health and safety

## MinterEllisonRuddWatts H&S Toolkit

MinterEllisonRuddWatts has recently updated their Health and Safety Toolkit providing a clear summary of how responsibilities specified in the Health and Safety at Work Legislation are structured. These responsibilities form the basis for building cases that can result in court prosecutions.



## Review of Work Health and Safety legislation and regulations:

The government has opened national consultation on a review of the Work Health and Safety legislation and regulations, which runs until 31 October.

Agencies have been asked to provide feedback as a policy agency, regulator or PCBU/duty holder, with submissions particularly important in areas where overlaps or issues arise.

Agencies can submit feedback directly via email to MBIE or anonymously through the Government Health and Safety Lead (GHSL). The consultation document itself is available for more detailed questions and examples.

[See consultation information here](#)

## WorkSafe not using enforceable undertakings:

Crown Law has released a review of WorkSafe's prosecution function. It identified governance issues, as well as issues with its application of the Solicitor-General's Prosecution Guidelines. The review found there was confusion regarding WorkSafe's remit and priorities, leading to too many investigations and impacting their quality and timeliness.

Of note, the review found that, despite their potential benefits, enforceable undertakings are rarely used. Factors such as high thresholds and costs deter uptake, but the review did acknowledge that WorkSafe is actively working through reforms with the way it works. MinterEllisonRuddWatts has provided a useful summary.

[MinterEllisonRuddWatts Summary](#)

## State of Thriving nation - Business Leaders Health and Safety Forum updated report:

New Zealand's economic landscape plays a significant role in shaping workplace health and safety outcomes. Costs related to workplace injuries, fatalities, and health-related issues are estimated at \$4.9 billion annually. Closing the gap with Australia could save the country \$1.4 billion annually, while matching the UK could save \$3.4 billion.

Economic resilience and workplace safety are deeply interconnected. As New Zealand navigates current challenges, the Report asks employers to consider the financial and human costs of inadequate safety measures.

[See the State of Thriving nation report here](#)