

Worker Engagement, Participation, and Representation

A FORESTRY VIEW

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RESEARCH AND
EVALUATION



Dr Rosalind Houghton
Dr Kirsten Lovelock
WorkSafe New Zealand

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INTRODUCTION

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1.1 BACKGROUND

The Forestry sector is one of WorkSafe's four priority sectors, with a high incidence of injuries and fatalities. WorkSafe has had a dedicated Forestry programme, running since 2010 in different forms. The programme is currently in a phase of re-developing its future work. To inform the next phase of the programme, the project team requested research to understand what changes have occurred in the sector, and what the catalysts (both internal and external) for these changes were. The primary purpose of this research was to understand why any changes have occurred in the Forestry sector and the role these have played in the changes to serious injuries and fatalities observed by WorkSafe. As such, the research has a wider focus than Worker Engagement, Participation and Representation (WEPR).

The research gave equal focus to internal and external influences on the sector, and WorkSafe's role in the changes. Due to the quality and quantity of data obtained during the fieldwork, the research team have developed six topic-specific reports, of which this is one. Other topic reports cover:

- > training
- > small-scale forestry
- > work-related health
- > silviculture
- > the Health and Safety at Work Act [2015] and accessing information on Health and Safety.

The insights from the Forestry sector research have relevant information for WorkSafe's three other focus sectors (Agriculture, Construction and Manufacturing) and its fifth national programme (the Canterbury Rebuild), as well as wider initiatives such as the *Reducing Harm in New Zealand Workplaces* Action Plan, *Maruti 2025*, and the *Healthy Work* Strategic Plan.

1.2 METHOD

The research involved interview and focus groups with over 100 industry members across owners, principals, contractors and crews; interviews with WorkSafe Inspectors and Assessment Managers, analysis of WorkSafe and ACC Claims data, analysis of data from WorkSafe's Health and Safety Attitudes and Behaviour (HSAB) survey, and a review of existing studies. See Appendix A for a detailed description of the methods used.

1.3 INTRODUCTION

Whilst forestry has been an area of specific focus for WorkSafe and its predecessors since 2010, the industry experienced a high number of deaths in 2013, when 10 workers were killed whilst at work. Following this, the forestry industry commissioned an Independent Forestry Safety Review¹ that was published in October 2014. The government's initial response to the review was also published in October 2014, and laid out the actions it would take under four broad areas: Strengthening Forestry Leadership, Strengthening Regulatory Standards, Strengthening

¹ For more information, see: www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/independent-forestry-safety-review/independent-forestry-safety-review.pdf

Enforcement, and Strengthening the Workforce.² The response highlighted the need for industry and government to work together to bring about the change required to have an impact on the rates of fatalities and severe injuries in the sector. The following issues were identified by WorkSafe in its submission to the independent review as underlying the industry's safety performance:

- > the supply chain
- > undervaluing safety
- > competency deficits
- > poor safety culture, and
- > insufficient investment in forest harvesting infrastructure.

WIDER HEALTH AND SAFETY CHANGES

To add some context to the work being undertaken in the Forestry sector, this was on the back of the Pike River mine disaster that resulted in the loss of 29 lives, and initiated the Royal Commission on the Pike River Coal Mine Tragedy.³ Following the report on Pike River (October 2012), the government commissioned an independent taskforce review of workplace health and safety, to advise on ways to meet the goal of reducing the rate of workplace fatalities and serious injuries by 25 percent by 2020.⁴ The taskforce reported back in April 2013, and called for 'an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes to the point where this country's workplace health and safety performance is recognised among the best in the world in 10 years' time' (Independent Taskforce, 2013). In October 2013, the government responded with *Working Safer: A blueprint for health and safety at work*.⁵ The Blueprint laid out a programme of work until the end of 2016, and included the creation of WorkSafe New Zealand and the introduction of the Health and Safety at Work Act (2015).

WORKER ENGAGEMENT, PARTICIPATION AND REPRESENTATION UNDER THE HEALTH AND SAFETY AT WORK ACT (2015) (HSWA)

Worker Engagement, Participation and Representation (WEPR) refers to practices that employers undertake to ensure workers (including contractors and subcontractors) contribute to improving health and safety at work, both through their actions and by sharing concerns or suggestions. Under HSWA, a Person Conducting a Business or Undertaking (PCBU) must:

- > **engage** with its workers on issues, which will or are likely to affect health and safety
- > have practices that provide reasonable opportunities for its workers to **participate** effectively in health and safety⁶
- > as seen above, one way to do the above is through formal or informal **representation**.

² For more information, see: www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/independent-forestry-safety-review/initial-government-response.pdf

³ For more information, see: <http://pikeriver.royalcommission.govt.nz/Final-Report>

⁴ For more information, see: <http://hstaskforce.govt.nz/documents/report-of-the-independent-taskforce-on-workplace-health-safety.pdf>

⁵ For more information, see: www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform/document-and-image-library/working-safer-key-documents/safety-first-blueprint.pdf

⁶ See: www.legislation.govt.nz/regulation/public/2016/0016/latest/whole.html#DLM6561800

Worker engagement refers to the PCBU involving its workers and any health and safety representatives in health and safety matters so that they can contribute to decision-making, have a say and be listened to, and be updated on decisions.

Worker participation refers to workers contributing to the improvement of health and safety in a workplace, including by raising health and safety concerns and suggestions, making decisions that affect work health and safety, and contributing to the business's decision-making on matters that relate to health and safety.

Worker representation can be through Health and Safety Representatives (HSRs), Health and Safety Committees, unions, a lawyer or other representative. HSRs are a well-established example of worker participation practice and can also support worker engagement. HSRs can provide:

- > a voice for workers who might not otherwise speak up about work health and safety matters
- > a mechanism for workers to speak to management about work health and safety matters
- > help in situations where it is not practical for a business to engage one-on-one with its entire workforce.

At the time of the research (May-July 2016), HSWA had just been introduced and many of the forestry owners and contractors were considering their obligations in terms of worker engagement, participation and representation. The research asked participants about what they presently did in terms of getting staff involved, and what changes they were looking to make. This report discusses the results of this focus.

02/

FINDINGS

2.1 MOST ENGAGEMENT DONE ON-SITE, IN-PERSON

A recurrent theme of the research was that much of the engagement and participation activities were undertaken on each site, where workers were based. In particular, contractors were using Hazard ID sessions, daily or weekly tailgate meetings, and monthly health and safety meetings to engage their staff and encourage participation in health and safety. Workers interviewed in the research said they preferred discussions and paper-based information transmission to electronic communication, as many did not use email or did not have cellphone coverage while at work.

2.2 HAZARD ID

The most common way that contractors⁷ and crews discussed employee involvement in health and safety was through Hazard Identification exercises at the start of a new site. For contractors, this meant that staff walked across the planned work area and noted down any hazards that would then be mapped out. The maps took a number of forms, ranging from hand-drawn paper maps to electronic maps with topographic information.

This was viewed by both contractors and crews as providing a way for the crew to input into the design of the extraction and to raise any concerns they have at the site early on.

They all walk the block the minute they get there. If I'm not there I will maybe say to (the site supervisor) or one of the other boys, "There's a couple hazards over there. When you get there, have a look for them, mark them down" and that and we just, they all sit down and they just, we actually make them (say) what's the hazard. Don't just sit there and say nothing, you tell me what a hazard is. And the young fellas will, oh, traffic, the intersection coming out on that road. Thank you, what about you? Oh, I've seen a leaner up the road there, bit dangerous round those power wires. But otherwise the boys will just automatically write them down and tell them.

Contractor

Once a map was produced, it would be updated, as required, during the contract to reflect any changes or missed hazards found during the process. The map was housed in the crew's break area (usually a container or a central vehicle that provided space for crews to take their breaks). This seemed standard practice and crew members were happy with contributing to and taking part in this process.

2.3 TAILGATE MEETINGS

A second common way for crews to be involved in health and safety (that was seen to have increased since 2013) was daily or weekly tailgate meetings. Tailgate meetings are short, on-site meetings that crews have, usually daily, to discuss emergent health and safety issues, and often the production plan for the day.

⁷ The term contractors is used in this report to mean those who either own a forestry contracting business and employ workers, or those in a management position at the business. The research did not involve any sole trader contractors, and as such, all contractors were employers or managers of workers.

In construction, these have been called Toolbox meetings. The meetings were seen as ways to engage with workers and drive participation daily. Some also commented that if managed correctly, these meetings could improve productivity by improving the planning of positions of staff, leading to less down time, and a safer working environment.

They all have a tailgate meeting in the morning so they discuss what's going to happen today and what happened yesterday, you know, was there anything that we need to know. That wouldn't have happened even five years ago we wouldn't have had tailgate meetings.

Contractor

We now have tailgate meetings every morning, I mean it's just a lot more, there's a lot more safeguards than there used to be... yeah, it is a big change – and partly the tailgate meeting allows them to at least still have that interaction at the start of the day, and it's good that, and really, if it's used probably, I suspect it should actually improve their production and just their whole management simply because they're talking about what they're doing and saying, "Hey, why don't you do this, why don't you do this", sort of thing, you know?

Contractor

While tailgate meetings were accepted by staff, it appeared that most often they were led by the contractor, site supervisor or foreman, with only a small number of crews interviewed reporting that staff got actively involved in the running or administration of the meeting. Staff were given the opportunity to contribute any new information or raise any concerns they had – about health and safety, and wider work-related issues. The response to this was mixed, with some crews reporting they used the meetings to contribute regularly, where others said it was generally just the supervisor/foreman speaking and providing information.

A number of the smaller crews (particularly those in small-scale forestry) reported less frequent tailgate meetings, with some only having them once a week. This was viewed as being due to their being so few members in the team, and small jobs that could take as little as one to three days to complete.

2.4 MONTHLY HEALTH AND SAFETY MEETINGS (NOT COMMITTEES)

The third common way of engaging with staff and encouraging participation raised in the interviews was monthly health and safety meetings. This was supported by the findings of the 2015 Health and Safety Attitudes and Behaviour (HSAB) survey, where 88 percent of workers stated that they had regular health and safety meetings.⁸

Monthly meetings were paid meetings at the end of a day, usually once a month, where the entire staff of a business came together to discuss health and safety. Mostly, this was led by the contractor and took up to an hour. Contractors viewed this as one of the key ways in which they

⁸ This could include tailgate meetings, as this was not distinguished in the question asked.

told their staff about new health and safety practices or key changes. The 2015 HSAB survey found that only 56 percent of workers said there was a noticeboard, website or other area with good up-to-date health and safety information on it available to them. This could well be related to monthly meetings being a preferred way of giving H&S information in the crews. Like tailgate meetings, there was a mixed response to whether staff were more active or passive in these meetings.

2.5 VERY LITTLE FORMAL REPRESENTATION

In terms of representation, forestry crews that participated in this research tended not to have formal representation structures in place. Crew members were expected to discuss issues directly with their site foreman or supervisor, or the contractor and this was how crews said they dealt with health and safety issues or concerns, and how they accessed information on health and safety, suggesting they were comfortable with the approach. Where there was formal representation, interviewees discussed having either Health and Safety Champions – who were selected by the contractor, or (very rarely) a Health and Safety Committee in place. The reasoning behind this was due to a lack of interest from crew members in being a health and safety rep, or a feeling that the crews were too small to need one.

2.6 HEALTH AND SAFETY CHAMPIONS

A common theme of the interviews with contractors was a resistance of workers to undertake the role of elected Health and Safety Representative (HSR). Contractors who had tried an election process stated that it had not eventuated in elected Representatives and some had since appointed Champions in their place. The Champions' roles were similar to that of an elected HSR, though under the new legislation, Champions do not have the same rights as elected HSR. Champions were expected to act as a conduit between workers and the contractor, like an HSR. However, HSRs have legal entitlements to training and resources to undertake their role, and are able to issue Provisional Improvement Notices if they feel a situation warrant this. Champions are not able to do this as they have not been through the formal training required. Crew members stated that they did not want to take on the role of HSR, either because they weren't interested in health and safety, or were concerned about being liable should an accident occur.

In contrast to this, in the 2015 HSAB, 65 percent of workers said there was an elected HSR in their workplace, up from 55 percent in 2014. This increase may reflect preparations for the new Act or that they do not distinguish between an HSR and a Champion; however, this was not evident in the qualitative data.

2.7 HEALTH AND SAFETY COMMITTEES

HSCs are a way of enabling workers and management to work cooperatively on improving health and safety at work. The use of Health and Safety Committees was not common in those interviewed in this research. Additionally, only 38 percent of workers who responded to the 2015 HSAB survey said there was a Health and Safety Committee in their workplace.

Health and Safety Committees differ from monthly meetings. Where most monthly meetings include the entire staff, and tended to involve the contractor or other management staff raising issues and discussing any new health and safety information or practices, committee meetings involve fewer staff and half the committee must comprise of worker members who have been chosen by the rest of the workers to represent them.

Many of the contractors we spoke did not have committees, but a small number were in the initial stages of building a committee. Committees were instigated by contractors (all of which had more than one crew in the business) and were a response to a lack of interest in the HSR role. The crews where this was happening saw the committee as a chance to directly influence health and safety practice and get earlier information on any changes planned.

RES1: *Yeah, yeah, you know have some input into it, I dunno if it'll change anything, or want to change anything.*

INT2: *Input into what?*

RES1: *Into ideas...just be aware of his (the contractor) ideas before he actually does it. You know, like we have health and safety meetings and then he brings it up, that this could be happening, or this could be happening.*

These were rare cases; however, given the new legislation was at such an early stage of implementation, the frequency of these committees may increase in the coming months.

2.8 MIXED APPROACHES TAKEN TO ACTING ON CONCERNS

Participation in Health and Safety is as much about taking action as it is about contributing ideas. Workers were asked whether they would stop a co-worker if they were concerned about what was happening. This received a mixed response, with some saying they would if they were concerned that their co-worker would be seriously injured or killed, but might not if they thought their co-worker would just get a scare. This was seen as letting the co-worker learn from their mistakes. Others said they had no problem in stopping anyone who was putting themselves or others at risk. Finally, some said that they would never step in. This was either because of an established boundary between crew members, them being concerned about being personally liable if they raised the issue and were ignored and then an injury occurred, or because they saw that as being the responsibility of the foreman or senior staff.

More positively, workers reported they were comfortable with, and in most cases expected to, stop work if conditions changed and they felt it was unsafe. Workers were just as happy to stop and re-assess as they were to stop work altogether, and there were some workers who felt obliged to do so as the contractor had told them it was a responsibility, not just a right.

Workers said that if they had concerns, even if it was with something the contractor had asked them to do, they would raise this with the contractor or a foreman. When asked whether they would look for information or advice outside of the crew, nearly all said they would not. The contractor was a key source of information and advice and as such, are an important party in communicating about health and safety with crews, which should be considered in future work by WorkSafe.

2.9 MORE DOCUMENTATION FOLLOWING 2013

An impact of the new Act and increased intensity of WorkSafe inspectors in the forestry industry was an increase in the documentation of all Health and Safety practice. This was also seen in the documentation of any WEPR activity discussed. Contractors noted that not only were they doing more to engage with their staff, but they were also ensuring it was documented.

Yeah, there's definitely more paperwork, yeah. I don't know, we might've been a bit lax on our paperwork beforehand, I don't know. No, we used to do a hazard ID and safety meetings and everything like that but, yeah, we obviously do more now with tailgate meetings

Contractor

You take for an example recorded tailgate meetings. Now, every day, of course, we always used to have it but we never used to record it. Now because you have to cover your backside you have to record it, right.

Contractor

There certainly is a lot more paperwork, a lot more, yeah, dotting your I's and crossing your T's that's all we keep saying, you guys have gotta do this, you've gotta have that tailgate meeting and everything has got to be handed in. You've basically in the event of something happening you've just got to prove that you've done everything possible and we try to do that and, yeah.

Contractor

Some of the contractors were requiring all staff present at tailgate meetings to sign the meeting notes as evidence of their attendance. This created a wariness for some of the crew members, who were concerned that if an accident occurred where the practice on the ground differed from what had been discussed at the tailgate (due to changes in plans, or not following the plan), they would be held liable for the accident and non-compliance.

Like everyone goes to their jobs and one person stays in here, plus we all input. Like for this, I questioned whether we were liable if we sign our name, because usually if you're just floating around you'll be the one to come in here and remind people what they're doing, and then like if you sign the name - who's liable, the foreman put down - hey, could you just write up a different plan and sign it, so you know, who's liable?

Crew member

2.10 WORKERS HAPPY WITH THE APPROACH TAKEN

A theme of the qualitative research, and the 2015 HSAB survey was that workers were happy with the current ways they were being engaged on Health and Safety, and how they were participating.

INT: *Is there anything you'd change about what you do now? Anything you'd like more?*

RES: *No, I don't think so. I think that there's always things worth changing and you're always developing new ideas and that. So that's something that's nice there is that we're really open to new things and trying something different. So I wouldn't, yeah, I mean, I know that there's gonna be better things to come but we just haven't figured them out yet, right?*

Crew member

The results from the 2015 HSAB survey support this view. Of particular note:

- > The majority (86 percent) of workers agreed⁹ that they always have a say in decisions that affect their health and safety. Though a lower proportion (67 percent) agreed that they were told how their views have been considered when their boss makes decisions about health and safety.
- > Additionally, 93 percent of workers said there was at least one practice in place in their workplace that encouraged worker participation in health and safety, though this had significantly decreased from the 2014 level of 97 percent.
- > Eight in ten (81 percent) workers agreed that where I work, workers really do make a difference to health and safety.
- > The majority (91 percent) of workers agreed that things that put health and safety at risk are discussed in an open and helpful way always or most of the time in their workplace, this had increased from 2014 (85 percent).
- > Eight in ten (82 percent) workers agreed their boss encourages us to come up with ideas for how to make our work safer. This is a significant increase since 2014 (75 percent).

While workers were happy with the approach, in many cases, the approaches appear to be falling short of the requirements under HSWA – particularly in terms of providing feedback on workers' input into Health and Safety decisions, and the areas on which workers are consulted. The SafeTree website includes a resource on WEPR under the new legislation, but does not have a date of issue so it is unclear as to whether this information was provided before or after the research was conducted. The research does show that there is still some work required in the area of explaining what is required and how contractors can include these processes into their health and safety processes.

⁹ Measured on a 5-point scale where 1=strongly agree and 5=strongly disagree. In the analysis agree is responses 4 and 5 on the scale and disagree is responses 1 and 2.

03/

CONCLUSION

A recurrent theme of the research was that much of the engagement and participation activities were undertaken in less formal ways, on site, and driven by the contractors (PCBUs) or management staff.

In particular, contractors were using Hazard ID sessions, daily or weekly tailgate meetings, and monthly health and safety meetings to consciously engage their staff and encourage participation in health and safety.

In terms of representation, forestry crews that participated in this research tended not to have formal representation structures in place. Crew members were expected to discuss issues directly with their site foreman or supervisor, or the contractor. Where there was more formal representation, those in this research discussed having either Health and Safety champions – who were selected by the contractor, or (very rarely) a Health and Safety Committee, in place.

An impact of the new Act and increased intensity of WorkSafe inspectors in the forestry industry was an increase in the documentation of all Health and Safety practice. This was also seen in the documentation of any WEPR activity discussed. Contractors noted that not only were they doing more to engage with their staff, but they were also ensuring it was documented.

Although not as formal as seen in other industries, a theme of the qualitative research, and the 2015 HSAB survey was that workers were happy with the current ways they were being engaged on Health and Safety, and how they were participating.



APPENDIX

IN THIS SECTION:

Appendix A: Methods

APPENDIX A: METHODS

The research involved a mixed-method approach, using both quantitative survey and claims data and qualitative interview and focus group data. The quantitative data provides us with an observation of what change has occurred over time. The qualitative interviewing and focus groups provide an insight and understanding of the views of those in the sector and their explanations of what has changed and why.

FOCUS GROUPS WITH WORKERS IN SECTOR

Focus groups provided an opportunity to hear from a greater number of participants than interviewing alone. Focus groups also give participants the opportunity to build off each other's observations and to discuss with the interviewer. This allows for a multiplicity of views to be recorded in this interactive setting and therefore also allows insight into when and how views differ in this context.

All focus groups were conducted with crews only, no contractors were present; this was to allow staff to be as open and honest as possible without fear of employment repercussions.

INTERVIEWS WITH FORESTRY OWNERS, PRINCIPALS, CONTRACTORS AND WORKERS IN SECTOR

Interviews with managers and staff provide in-depth information on their experience of working in the Forestry sector over the past two years. Interviews give participants the opportunity to discuss issues they may not be comfortable raising in front of a group. It also provides the chance to delve deeper into specific areas that is not possible in a focus group setting.

HEALTH AND SAFETY ATTITUDES AND BEHAVIOUR SURVEY (HSAB SURVEY)

This survey is run annually by WorkSafe NZ and involves around 290 employers and 380 employees in the forestry sector. It covers a number of questions about the attitudes and awareness of Health and Safety practices and the actions taken by both employees and employers to ensure a healthy and safe workplace. This provides sector level measures of the changes over duration of the research period.

ETHICAL CONSIDERATIONS

The research was conducted according to the ethical principles and associated procedures endorsed in the Association for Social Science Researchers.

Ethical considerations apply to the primary data collection – that is the focus groups and interviews with workers and employers in the sector, and interviews with WorkSafe staff.

WorkSafe staff were made aware prior to participation that though they will not be identified by name, they may be identifiable by their role within the organisation.

Informed consent was obtained from sector workers and employers participating in the focus groups and interviews and they are not identified personally by name or business. All attempts have been made to ensure confidentiality. If data could not be reported in a way that does not identify individuals from the sector, it was not reported.

Survey data is anonymous to WorkSafe and only figures that are statistically significant and do not identify individuals have been reported in the research.

Some of the data collection took place on site at a forest where harvesting work was being undertaken. A specific safety plan was developed for staff involved, in collaboration with a forestry inspector, to ensure that research staff were not placed at undue risk during the process of data collection. Personal protection equipment was supplied.

Those who participate in the employer and worker interviews and focus groups received a participant acknowledgement in the form of a \$30 supermarket voucher. Individuals who participated in both received one voucher. Participants were not made aware of the voucher prior to participation to ensure there was no external coercion. A reasonable amount of food and drink was provided at the focus groups and interviews. Participants will be provided with a summary of the report findings.

All research data of a confidential nature is locked in a secure cabinet, and electronic data of this nature has been password-protected. Data will be held on site in accordance with the WorkSafe NZ National Records retention policy.

RESPONSIVENESS TO MĀORI

The Forestry industry has an over-representation of Māori employed in the sector, with 34.2 percent of employees in Forestry identifying as Māori in 2013, compared with 11.2 percent of the entire workforce identifying as Māori in the same period. This means this project involved a significant number of Māori workers and employers without any focussed sampling.

Te Ara Tika suggests that in the case of Māori centred research, a research team should consult with Māori Advisors within the Agency about the research approach and the need for Māori input and wider consultation. The research should include Māori fieldwork researchers and should consider Māori project leads and analysis.

At the time of writing, WorkSafe did not currently have Māori advisors. However, the National Manager, Māori was involved in the design of this project. Two members of the research team identify as Māori and were involved in the fieldwork and analysis.

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