WorkSafe

TE PŪRONGO O MAHI HAUMARU AOTEAROA

1 October – 31 December 2023



Te Kāwanatanga o Aotearoa New Zealand Government



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About this report The purpose of this report is to provide an update of WorkSafe's performance over the previous quarter to the Minister for Workplace Relations and Safety and the Ministry of Business, Innovation and Employment (Crown monitor). This includes WorkSafe's progress in achieving objectives as set out in its accountability documents, together with a review of WorkSafe's organisational health and financial performance.

The quarterly report is available on <u>www.worksafe.govt.nz</u> after each quarter.

Regulatory activities have remained consistent over the quarter, and WorkSafe continues to implement the recommendations of the Strategic Baseline Review.

WorkSafe's strategy has been reset by the Executive Leadership Team. The new strategy aims to demonstrate in simple terms how WorkSafe will deliver its main role, which is to influence businesses and workers to meet their responsibilities and ensure work is healthy and safe. Consultation is underway and all feedback will be considered. The strategy is due to be finalised in March, at which point the focus will be on delivery.

Over Q2, WorkSafe has undergone rapid organisational change to reflect the strategy reset and refocus on delivering core functions within available funding. WorkSafe's new organisational structure will be stood up on 1 February 2024. The outcome of this change reflects the strategy reset.

This quarter, 12 out of 13 measures from the Statement of Performance Expectations 2023/24 met their year-to-date targets. The remaining measure was 1% below target, which is likely to be due to an issue with the available sample size for an external survey.

Quarter 2 at a glance

WorkSafe people	There were 644 FTEs in Q2, a decrease of 78 compared to 722 in Q1, and a decrease of 118 from 762 in Q2 2022/23.
	All staff turnover for Q2 was 25.9%. This is an 8% increase from 17.9% in Q1. This was expected and reflects the impact of organisational change.
Finance	WorkSafe has a surplus of \$1.4m compared to a budgeted deficit of \$3.2m at the end of Q2. This positive variance is mainly due to lower than anticipated depreciation and the timing of Whakaari prosecution costs, WorkSafe is on track to achieve budget by year end.
Strategic priorities	The work programme to implement the <i>Strategic Baseline Review</i> is on track. WorkSafe's other six priority programmes are on hold and will be reassessed to reflect the new strategy.
Organisational risk overview	The organisational change may increase risks related to people, delivery and WorkSafe's role as a regulator. It is expected that these risks will decrease when the new structure and strategy are implemented, and WorkSafe transitions to new ways of working. Changes across the organisation have resulted in reduced financial risk, enabling effective management of budgets. Ongoing work continues to streamline activities and ensure cost reductions are maintained longer term.

Delivering and contributing to health and safety at work outcomes

WorkSafe focuses on what will make the biggest impact to reduce harm by placing additional focus on high-risk sectors, including forestry, construction, manufacturing, agriculture, transport, postal and warehousing.

Engineered stone businesses

Carcinogens and airborne risks contribute about 31% of the total burden of work-related harm. Results from WorkSafe's Carcinogens Survey indicate that about 80,000 workers are exposed to high levels of silica dust, which can lead to cancers, respiratory and other diseases. Workers in the engineered stone industry are at particular risk because of the very high levels of crystalline silica in the stone. Cases of silicosis have been diagnosed in New Zealand engineered stone workers.

Over the quarter, Bunnings has banned the sale of engineered stone and the Australian regulatory authorities have agreed to ban all engineered stone regardless of the level of its silica content. New Zealand regulations currently permit work with engineered stone. WorkSafe is working with the industry to ensure they manage the risks within current regulatory settings.

Over the last six months inspectors reassessed the 80 higher risk engineered stone businesses based on their compliance history since 2019. Inspectors are seeing improvement in dust management from past years. Notices were issued mainly for improvements to risk assessment and management practices, slurry management, use of respiratory protective equipment, health monitoring and machine guarding. No instances were identified of the high-risk practices of dry cutting or dry sweeping. Work continued with MBIE on advice on regulatory options for the industry.

Offshore well review

In response to public concern and media interest related to small quantities of gas seen emanating from around the casing of an offshore well in the Kupe gas field in Taranaki, WorkSafe and the Environmental Protection Agency have engaged a well engineering specialist company to provide an independent review. This review is expected to be completed in Q3.

Geothermal bores in Rotorua

Commercial and private geothermal bores require regular monitoring and maintenance to reduce risk to workers and the public. As a result of an increase in notifiable incidents, the Bay of Plenty Regional Council, Rotorua Lakes Council and WorkSafe held education sessions to reinforce obligations for owners and those responsible for maintenance.

Activity in southern region

Inspectors visited 16 forestry businesses in the Otago Region with a focus on risks related to falls from heights. Enforcement action was taken against five businesses. Similar activity is being planned in the Nelson Region in 2024.

WorkSafe builds everyone's capability to do this well by partnering with government and industry groups to deliver initiatives and harm prevention programmes to lift health and safety leadership and capability in the system.

Talley's Group Limited (Talley's)

WorkSafe's targeted complex intervention of Talley's continues. Reports prepared by WorkSafe monitoring the implementation of the Talley's developed health and safety roadmap have been shared and discussed with Talley's Governance Assurance Board and its subsidiaries. The monitoring of the roadmap is expected to continue till September 2025, followed by an evaluation of the intervention in late 2025.

A targeted complex intervention is a long-term intervention that focuses the full range of tools and capabilities available to WorkSafe to deliver long-term change in health and safety performance.

Safe work instrument consolidation

The Legislation Act 2019, Parliamentary Counsel Office guidelines, and the Regulations Review Committee requires safe work instruments are easy to find, to understand and to use. As a result, WorkSafe is combining safe work instruments with any later amendments into consolidated instruments.

Three consolidated instruments have already been completed and are published on the WorkSafe website. Due to the technical nature of the instruments, the remaining three are expected to be completed by Q4.

Licensing system for refrigeration, heating and air conditioning technicians

WorkSafe has been supporting the implementation of MBIE-led regulations for commercial and industrial refrigeration technicians working with flammable, toxic or very high operating pressure refrigerant gases. WorkSafe is awaiting updates from MBIE regarding timeframes for progressing the regulations before undertaking further implementation work.

Priority programmes and projects

Programmes to support health and safety at work outcomes

Plant and structures Lengthy delay of the public consultation for the Plant and Structures regulations has resulted in the deferral of this programme until a consultation date is set.

Pending the transition to a new organisational structure, effort related to the three programmes, **Support the worker voice**, **Promote good work design** and **Reduce harmful exposures**, has been reduced. These will be reassessed once WorkSafe's new strategy is in place.

Programmes to deliver strategy and improve internal capability

Strategic baseline review (to be closed by October 2024)

Implement 20 recommendations from the review which assessed WorkSafe's management of its resources.

Key to this programme's success is the development of a clear WorkSafe strategy which reflects the organisation's role as a workplace regulator. This is currently underway.

Other recommendations are on track to be delivered by October 2024.

Digital transformation (to be closed by June 2024)

Provide better services to help achieve better outcomes.

Atlas (WorkSafe's new digital platform) has now been rolled out to the General Inspectorate. A process has been put in place for the business to direct future improvements.

A critical risk remains relating to the migration of historic data from the legacy MBIE system to Atlas. WorkSafe is working with MBIE to resolve this.

An Independent Quality Assurance review of the programme is underway with findings due in Q3.

Ngā paiaka | Strong regulatory foundations (to be closed by March 2024)

Strengthen operations and improve how WorkSafe administers its existing regulatory frameworks.

Three projects (Statutory Delegations, Adventure Activities and Compliance Certifiers) have largely been completed and are transitioning to be managed within the business.

The remaining work focused on improving WorkSafe's authorisation function will be absorbed into the centralised authorisations function within the new organisational structure.

ACC funding

WorkSafe receives up to \$15m per annum of funding from ACC to perform harm prevention activities. This funding will cease by 31 March 2025.

WorkSafe is undertaking a review of the portfolio of work presently funded by ACC to align future delivery to WorkSafe's new strategy; and to explore options to obtain sustainable funding for this work from the date funding ceases.

The ten-year injury prevention partnership agreement will remain in place and ACC and WorkSafe will continue to collaborate on their joint Harm Reduction Action Plan.

WorkSafe is undertaking a review of its ACC funded portfolio to align future delivery to WorkSafe's new strategy and exploring options to ensure sustainable funding for this work going forward.

Regulatory activities

WorkSafe undertakes frontline delivery, including inspecting workplaces, specialist interventions, energy safety and managing hazards.

Key activities include:

After risks relating to hazardous substances were identified, inspectors visited over 100 worksites with a focus on the use of respiratory protective equipment and chemical storage as well as the monitoring of harmful exposures. This resulted in 172 enforcement actions (mostly in the form of Improvement Notices), with 75% of worksites visited receiving at least one enforcement action.

Working with lathes

Following an investigation into a fatal incident, WorkSafe published a sector-wide warning on the Institute of Mechanical Engineering website related to risks with working with lathes (commonly used for machining metal parts). These risks include entanglements (accidents caused by loose clothing becoming caught in the machinery and causing injury). This website is accessed by 700 mechanical engineers and 150 safety engineers.

In the media - CPA 2022 Limited prosecution

An Auckland company, CPA 2022 Limited, has been sentenced for health and safety failures which cost a scaffolder both his arms. CPA were ordered to pay reparations to the victim (the amount was suppressed) and could have been fined up to \$1.5m but this was reduced to \$0 due to the company's inability to pay.

The court held that this could have been avoided if the company had paid closer attention to who was authorised to dismantle scaffolding in accordance with a Close Approach Consent, which is required when work done is underway near overhead powerlines.

Cyclone Gabrielle recovery work

- Inspectors visited the State Highway 25A (Coromandel) rebuild project site to assess the management of risks associated with large scale machinery such as safe movement, protecting pedestrians and site access. Site visits will continue as the project progresses.
- Asbestos management information has been provided to Hastings District Council for inclusion in homeowner building packs.
- Work continues with Kahungunu Iwi in Te Matau a Maui/Hawkes Bay to support health and safety planning for recovery work.
- WorkSafe continues to assist Gisborne District Council and the industry with the establishment of a Forestry Emergency Management Response plan.

Whakaari/White Island trial

Six of the seven parties who either pleaded guilty or were found guilty of health and safety charges will be sentenced at a hearing scheduled for two weeks in late February 2024. The remaining party was sentenced last year.

WorkSafe is seeking leave to appeal the decisions to dismiss charges in relation to the two booking agents, Tauranga Tourism Services Limited and ID Tours New Zealand Limited.

Inspectors

The total number of WorkSafe inspectors has increased as some staff have been redeployed to the General Inspectorate, as part of the current change process.

A cohort recruitment is planned for June/July 2024 which is expected to increase inspector numbers.

		Ratio of inspectors	Total number of	
		Trainees included	Trainees excluded	WorkSafe inspectors
2022/23	Q4	6.8	6.2	195
2023/24	Q1	6.2	5.2	182
	Q2	6.4	5.9	186

Regulatory statistics

Regulatory activity remained steady over Q2.

Notifications received

Notifications are received from businesses and the public. Once received, they are triaged to assess an appropriate course of action.



HSWA investigations initiated

An investigation is a process of inquiry which helps

establish facts, discover information, and decide what

* Indicative only and subject to revision



Authorisations processed Includes adventure activity operators, occupational diving, asbestos, and hazardous substance-related authorisations.



Increased numbers reflect 91 re-registrations for adventure activities operators which are on a 3-year cycle with many due for renewal over Q2.

Assessments

Assessment activity is either part of a planned programme or carried out as a response to a notification.



Enforcements

Enforcements include improvement notices, verbal directions, directive letters, prohibitions, infringement notices and enforceable undertakings.



Energy safety

Applies to the design, supply and fitting of electrical or gas appliances and related installations and networks.



There was a significant increase in audits completed. This was mainly due to a programme to identify electrical and gas practitioners not recording work in the Electricity and Gas High Risk Database as required.

Performance measures

WorkSafe has 13 performance measures which are detailed in **Statement of performance expectations 2023/24**. These reflect the quality, timeliness and quantity of activities undertaken across WorkSafe over the financial year.

At a glance

There are 13 measures from the Statement of Performance Expectations 2023/24.

12 out of 13 measures have met their year-to-date targets. The result for the remaining measure, which is derived from an external survey, was 1% below target. This result may have been affected by system changes at WorkSafe which limited the available sample size. Work is underway to resolve these issues and it is expected this measure will be met by financial year end.

Q2 performance has improved. In Q1, two measures (5.2 and 6.3) were not progressing as expected. Both measures are now back on track and expected to meet year-end targets.

WorkSafe is currently operating within budget, and it is expected to stay within budget through to the end of 2023/24.

Statement of performance expectations 2023/24 budget

	Non-financia	l targets (#)	Financials (\$m)			
Activity area	Met	Not met	Annual budget	Year-to-date (YTD) actual	% spent to date	
Lead, Engage and Influence	1	-	15.7	6.9	44%	
Educate, Inform, Guide and Learn	-	1	37.6	18.4	49%	
Build Capability and Worker Participation	1	-	6.7	2.6	39%	
Innovate, Design, Implement and Evaluate	1	-	11.0	4.6	42%	
Authorise, Oversee, Assess and Audit	4	-	21.8	11.0	50%	
Investigate, Enforce and Hold to Account	5	-	59.6	31.8	53%	
Total	12	1	152.4	75.3	49%	

Statement of performance expectations 2023/24 measures

	Performance measure	Annual target	YTD actual	Expected year-end
Activ	ity area 1: Lead, Engage and Influence			
1.1	The percentage of WorkSafe General Inspectorate assessments that include a focus on work-related health risks	>75%	78%	~

Activity area 2: Educate, Inform, Guide and Learn

2.1	The percentage of people who say our guidance is very useful or extremely useful	>65%	64%	\checkmark
	This result may have been affected by the information system tra sample size. As a result of the transition, a full list of industries, w WorkSafe's guidance products, was not available. WorkSafe rema collaboration with industries, workers and PCBUs to ensure their r	orkers and P ins committe	CBUs that acc d to consultat	cess tion and

	Performance measure	Annual target	YTD actual	Expected year-end
Activ	ity area 3: Build Capability and Worker Participation			
3.1	The percentage of inspections where the General Inspectorate engage with worker(s) and or health and safety representative(s) where available to improve worker participation in keeping workplaces healthy and safe	>85%	91%	√ ↓
Activ	ity area 4: Innovate, Design, Implement and Evaluate			
4.1	The number of workers receiving culturally relevant health and safety training by attending workshops facilitated by the Puataunofo Come Home Safely education programme	1,000	600	✓
Activ	ity area 5: Authorise, Oversee, Assess and Audit			
5.1	The number of energy safety audits (of products, suppliers, networks, distribution systems, installations) completed	>600	562	~
	There was a significant increase in audits completed due to a propractitioners not recording work in the Electricity and Gas High Ris			rical and ga
5.2	The number of high hazard sites (including major hazard facilities, petroleum and geothermal, and mining, tunnelling, and quarry sites) inspected annually	>440	220	√
5.3	The percentage of completed Controlled Substances Licenses and Hazardous Substances Controls applications received which are processed within 60 working days	>90%	96%	~
5.4	The percentage of completed Occupational Diving Certificate of Competence applications received which are processed within 20 working days	>80%	96%	~
Activ	ity area 6: Investigate, Enforce and Hold to Account	1	1	
6.1	The percentage of energy safety investigations (notifiable or non-notifiable incidents and unsafe situations) involving gas and electricity that are completed within 60 working days	>90%	93%	~
6.2	The percentage of investigation files to be referred for prosecution which in the first instance, meet the WorkSafe internal standard outlined in the Investigation File Review	>80%	100%	~
63	The percentage of our prosecutions that result in a conviction or	>80%	84%	1

6.3	The percentage of our prosecutions that result in a conviction or an enforceable undertaking	>80%	84%	\checkmark
6.4	The percentage of Mentally Healthy Work notifiers contacted by WorkSafe within 20 days of receipt of notification	>80%	97%	\checkmark
6.5	The percentage of investigations where a final decision is made and communicated to victims within 12 months of the investigation commencing	100%	100%	√

Organisational health

In Q3, WorkSafe's Wellington office will move to 8 Willis Street. This move provides cost savings and improved ways of working for kaimahi. WorkSafe will co-share these premises with the Ministry for the Environment and Stats NZ.

WorkSafe's National Advisor Pacific Responsiveness has been awarded the Public Service Commissioner's Commendation for Excellence for outstanding service shown by a public servant in relation to WorkSafe's Puataunofo Come Home Safely programme, health and safety education workshops for Pasifika and migrant workers.

WorkSafe people

The impact of WorkSafe's commitment to streamline its activities is reflected in staff numbers and turnover. This is expected to stabilise towards the end of Q3 when the change process has been fully implemented.

- There were 644 FTEs in Q2, a decrease of 78 from 722 in Q1. This is the lowest figure since Q3 2020/21.
- The number of contractors continued to decrease over the quarter. 12 out of 20 are contracted to the Digital transformation programme which will close in June 2024.

Contractors



Staff numbers (FTEs)

Staff turnover

From this quarter, statistics related to all employees who leave WorkSafe, whether voluntarily or involuntarily, will be reported as this more accurately reflects the impact of the change process.



Financial statements

Financial performance

At the end of Q2, WorkSafe has a surplus of \$1.4m compared to a budget deficit of \$3.2m. This is based on the revised budget after WorkSafe has undertaken cost reduction measures in light of an initial budget shortfall. The positive variance for the quarter is mainly due to lower than anticipated depreciation and the timing of the Whakaari prosecution costs. WorkSafe is on track to achieve budget by year end.

Statement of Comprehensive Revenue & Expenditure

\$000	Actual	Budget	Variance	Full Year Budget
Revenue				
Revenue Crown	70,107	70,094	13	136,710
Interest Revenue	774	830	(56)	1,000
Other Revenue	5,759	7,462	(1,703)	14,709
Total Revenue	76,640	78,386	(1,746)	152,419
Expenditure				
Personnel	52,375	54,219	1,844	101,372
Contractors	2,514	2,542	28	4,513
Depreciation	2,882	3,844	962	8,241
Other expenditure	17,512	20,956	3,444	38,193
Total Expenditure	75,283	81,561	6,278	152,319
Surplus/(deficit)	1,357	(3,175)	4,532	100

Revenue by area

Crown and interest revenue streams are in line with budget. Other revenue is lower than budget, mainly due to lower ACC programme revenue (which is aligned to ACC programme expenditure).

\$000	Actual	Budget	Variance
Working safer levy	66,555	66,542	13
Major hazard facilities levy	1,345	1,345	-
Energy safety levies	2,207	2,207	-
ACC	4,867	6,989	(2,122)
Fees and Other Revenue	1,666	1,302	364
Total revenue	76,640	78,386	(1,746)

Expenditure by area

\$000	Actual	Budget	Variance	Full Year Budget
Core Delivery (excl. Depreciation)	58,642	60,309	1,667	112,876
Depreciation	2,855	3,844	989	8,241
Specific Delivery (tagged funds)				
Whakaari	2,470	3,320	850	3,320
Energy Safety/ MHF/P&G	3,843	3,699	(144)	7,565
Digital Transformation	1,578	2,000	422	4,000
ACC Programme	4,770	6,989	2,219	13,805
COVID-19 Enforcement	945	1,082	137	2,145
Thriving Infrastructure	95	111	16	160
Refrigeration	-	207	207	207
Plant & Structures	85	-	(85)	-
Total Specific Delivery	13,786	17,408	3,622	31,202
Total Expenditure	75,283	81,561	6,278	152,319

- Core Delivery (excluding depreciation) is within 3% of budget (\$1.7m). Strong cost controls are in
 place to ensure that WorkSafe remains within budget throughout 2023/24. Personnel savings have been
 made through organisational change and holding vacant roles through the change process.
- Core Delivery Deprecation is \$0.99m below budget. This is due to timing of capital projects and capitalisation.
- Whakaari is \$0.85m below budget due to the timing of the costs compared to Budget for the Whakaari Trial in Q1.
- Digital Transformation was underspent by \$0.4m due to the rephased roll out of Atlas and subsequent reduction in staffing required.
- ACC Programme is \$2.22m below budget due to some activities/work programmes being rephased in 2023/24.

Capital spend

\$000	Actual	Budget	Variance	Full Year Budget
ICT software	3,859	3,426	(433)	5,502
ICT hardware	30	200	170	400
Motor vehicles	196	1,005	809	2,010
Leasehold improvements	444	825	381	1,650
Total capital spend	4,529	5,456	927	9,562

 ICT software spend is higher due to the phasing of spend for the Digital Transformation programme. Total expenditure is still forecast to be within budget.

 The leasehold improvements spend is on new location fitouts and security work. With the focus on the moving the Wellington office, capital projects in other offices have been delayed.

\$000	Total Balance	YTD Actual
Major Hazard Facilities Levies		
Revenue	18,998	1,345
Expenditure	(17,276)	(1,607)
Total surplus/(deficit)	1,722	(262)
Add Crown Account Deficit	556	(170)
Total surplus/(deficit) - WorkSafe held levies	2,278	(432)

Current financial position

Statement of Financial Position

\$000	Actual	Budget	Variance	Full Year Budget
Cash and bank	6,197	9,729	(3,532)	12,183
Investments	15,000	19,550	(4,550)	22,800
Debtors	11,692	1,839	9,853	2,250
Fixed Assets	43,730	41,658	2,072	41,367
Total Assets	76,619	72,776	3,843	78,600
Creditors and Payables	5,935	7,891	(1,956)	10,049
Employment Liabilities	6,080	7,314	(1,234)	7,314
Income in Advance	66	-	66	-
Crown Loan	20,223	20,223	-	19,873
Total Liabilities	32,304	35,428	(3,124)	37,236
Net Assets	44,315	37,348	6,967	41,364
Equity				
Opening Equity	31,484	33,410	(1,926)	33,410
Memorandum Accounts	2,278	1,108	1,170	1,108
Accumulated Surplus/(Deficit)	10,553	2,830	7,723	6,846
Total Equity	44,315	37,348	6,967	41,364

- **Cash and Investments:** lower than budget as:

- \circ $\;$ ACC funding has not yet been received and is currently recorded as a debtor; and
- \circ $\;$ payment in advance to the third-party payroll provider related to salary payments.
- **Debtors:** higher than budget due to the timing of ACC funds and funding to the third-party payroll provider.
- **Fixed Assets:** higher than budget due to higher capital spend and lower depreciation expense.
- **Creditors and Payables:** lower than budget due to lower expenditure.
- **Employment Liabilities:** lower than budget due to the timing of payroll and the use of leave.
- **Income in Advance:** due to Safety Case revenue from last year that was not spent.

Statement of Cash Flows

The overall cash position is higher than budget. The individual differences when compared to the Budget reflects the variances in the Profit and Loss and Balance Sheet discussed above.

\$000	Actual	Budget	Variance	Full Year Budget
Operating Cash Flows				
Receipts from Crown	70,107	70,094	13	136,710
Receipts from Other Revenue or Interest	(2,060)	9,256	(11,316)	16,946
Payments to Suppliers/Employees	(66,621)	(82,961)	16,340	(147,106)
Net Operating Cash Flows	1,426	(3,611)	5,037	6,550
Investing Cash Flows				
Net Investments	5,171	12,250	(7,079)	9,000
Net Asset Purchase	(6,320)	(5,456)	(864)	(9,563)
Net Investing Cash Flows	(1,149)	6,794	(7,943)	(563)
Financing Cash Flows				
Capital Contribution	-	-	-	-
Crown Loan	-	-	-	(350)
Net Financing Cash Flows	-	-	-	(350)
Cash Movement				
Net (decrease)/increase in cash	277	3,183	(2,906)	5,637
Opening Cash	5,920	6,546	(626)	6,546
Closing Cash	6,197	9,729	(3,532)	12,183