

## New Zealand Council of Trade Unions Response to the Public Consultation Document of the Independent Forestry Review

4 July 2014

We want to congratulate the Panel on the quality of the consultation document. The interim conclusions you have reached accord with much of the understanding we have regarding the issues in the industry contributing to the safety problems and these are reinforced by the workers in the industry that are in contact with us.

While this year the accident rate in forestry has reduced by almost half, it remains high. We believe the dramatic and sudden reduction can be attributed to three key factors – none of which are sustainable:

1. The focus of this review (the Review) - it has provided a momentum and focus for improved safety in the industry. This proves at least that emphasis and focus can improve safety outcomes
2. The intense series of inspections by Worksafe both of breaking out and tree felling operations and the comprehensive enforcement actions taken during those inspections
3. The union and family campaign in communities and in the media creating intense public scrutiny of the Government and of forestry owners and contractors. It is our view neither the review or inspections would have taken place without this component.

The reduction in accidents for this part of the year shows two things – firstly it can be done and there is no valid excuse for the years and years of appalling safety outcomes. Secondly sustained worker organisation is essential to ensuring the performance of the system.

The reality is however – none of the activities above are sustainable. The review will finish, Worksafe does not have the resources for continual inspection at the levels currently being undertaken and the union and family campaign is taking huge resources from its participants.

The job of the Review Panel (the Panel) must be to recommend changes to the structure of the industry that embed this safety focus and ensure the accident rate continues to fall. What the reduction has shown is that reduction is possible. What the recommendations must do is set the platform for a sustained and permanent change.

### **General comments**

In this section we will make some general comments of some on the issues highlighted before submitting on the specific questions in the Review document (the document).

As the document notes, there have been 967 serious injuries in the industry since 2008 but as we learned during the development of this consultation phase, the Forestry Industry Contractors Association (FICA) hold a data base of 10,000 additional near miss incidents. Any of these could have resulted in harm and the level of accidents combined with near misses must cause extreme alarm. Equally concerning is the defensive attitude expressed by these groups in relation to the accusations

that the industry is dangerous. The Panel has seen this for itself and heard from workers that the industry is not capable of providing its own leadership in regards to making the changes needed. It is our view that until the leadership is developed in this industry, the role of Government as regulator will need to be dominant and while ideally some areas for change should be done by the industry itself, unless the Panel is convinced this can be achieved within the current organisational structures, it must advocate Government intervention to close the obvious gaps in industry leadership.

Recently for example, the Forest Owners Association (FOA) submitted to the Select Committee considering the Health and Safety Reform Bill. Despite the complete lack of any worker representation systems in the forest and coupled with this disastrous safety record, in its introduction, the FOA highlighted its concern in particular with the proposed new requirements for worker participation systems in the Bill.

In the body of the submission FOA advocates for greater legal duties on workers for safety in the bush, such as informing the forest owners of hazards and risks. At the same time FOA opposes the proposal for PCBUs to engage more actively with workers on health and safety, or having health and safety worker representatives on the grounds that workers may use health and safety for “extraneous motives”. These comments, coupled with the very serious attack on the Panel and unions from the FICA during the process of this review, set off alarm bells for the NZCTU regarding the employment security and effectiveness of Industry safety representatives in forestry and support our calls for at least in the next few years, the provision of independent roving safety reps along the lines provided for in mining. We cover this in more detail below.

*Recommendation: An emphasis is given to the role of Government as regulator in the first instance unless the Panel is confident industry led change is achievable with the current leadership.*

In the introduction to the consultation document the Panel call for a higher duty of care for forestry workers. We fully support this call and the proposition that achieving this requires a range of connected measures rather than a simple fix. We don't agree with the proposition in the document that international comparative accident rates are not easily made and that NZ's under-performance in safety when compared with other countries should not be a factor for measuring future performance. While the industry squirms at these comparisons, it has not provided any robust reason why they are not relevant. Particularly in relation to the UK which is a world leader in workplace health and safety and Canada where leadership in the sector has addressed serious safety issues, these figures are important. Some adjustments may be made for local differences in terrain etc, but the comparisons simply cannot be ignored.

It is an important point that the panel makes in regards to deregulation of the industry and the impact this has had on safety, a point also picked up by the Independent Taskforce in its report. The employment relationship itself matters. For example, it is evident in the Christchurch rebuild that per worker, you are much more likely to suffer an accident if you are employed by a labour hire agency than when being employed directly.

While forest contractors and owners may be complying with the law in regards to the use of these employment relationships, the Panel is not restricted to the current legal provisions as a base line for its recommendations (New Zealand law offers some of the lowest protections against insecure work in the OECD), and we urge it to make recommendations on employment security and conditions of work as core components to improving safety. We think the Panel needs to make comment on both the issue of crew size in New Zealand forestry (e.g does it matter?) but also of the development of

wood processing within New Zealand so that there are few “booms and busts” in the industry. This would not only ensure more security of work for these workers but raise the value of logs by adding value and creating alternative markets when exports slow. This in turn could lead to higher paying, better jobs in the industry.

*Recommendation: That the Review Panel develop proposals to reduce the use of sub-contracting in the sector, and consider if the current level of contracting by forest owners should also be addressed.*

We note that one of the public criticisms of the Panel’s work to date has been the lack of concrete evidence regarding the conditions of work. We don’t accept this is fair given the feedback from the consultation you have undertaken and how your findings align with the information we have received from workers in the industry. Regardless very accurate information is held by the industry itself and should have been provided by the FICA and the FOA. The Panel should demand that time and wage records be made available by FICA members (either to the Panel or an independent reviewer) and a review done of terms and conditions in the industry, including hours of work. We would like to see this as part of the recommendations if it is not provided beforehand.

*Recommendation: that FICA and FOA commission research to determine the state of wages and conditions of work in the sector.*

We underline a seminal statement made in the introduction to the consultation document:

*“The Review Panel believes that a workplace health and safety system that relies solely on the worker delivering consistently error-free performance is flawed. We all make mistakes and should not pay for them with our lives. Our health and safety systems need to be error tolerant”.*

The CTU totally endorses this statement and believes this issue must be addressed in the recommendations if a real and long term improvement in safety is to be achieved. We note the Panel’s findings that in countries where there is specific legislation concerning the safety of forests workers, it is inherently more comprehensive and specific than New Zealand and it raises the question of a recommendation for forestry-specific legislation.

*Recommendation: That the Review Panel consider the benefits of recommending separate forestry safety legislation in New Zealand.*

This submission should be read with the previous documentation provided to the review panel by the CTU.

## **Section One – The Regulatory Environment**

### **Key Questions**

#### **Do you agree that the forestry sector could struggle to understand and implement the new legislation and regulations?**

It is likely that many businesses will need to learn and absorb the requirements of the new legislation. It is our experience that this industry has not applied itself to its obligations to the current legislation so the Panel is right in regard to its concern. Nevertheless the new legislation is a very good fit for this industry where control through the supply chain could make a significant

difference. We note the concern regarding the state of the representative bodies in the industry and agree they under-perform. We note the Panel's concern regarding the overseas interests in forests. We agree that where these owners are PCBU entities then the law must require them to be able to be held to account. This may require some form of recommendation for legislative change from the Panel. We note and support the Panel view that the new health and safety law should require a representative and committee system in high hazard industries including forestry including consideration of independent roving representation. Regardless this Independent Forestry Review is supported by the industry and the Panel should not be hampered by the gaps in the proposed legislation. We support a strong recommendation on this point in the Panel's report. This could be done in a call for separate forestry legislation on safety.

*Recommendation: That the Panel call for worker representative systems and committees to be a requirement in all workplaces in forestry including the ability in the new health and safety law for the Minister to designate a roving representative system in forestry.*

*Recommendation: that the Panel call on the Government to ensure new health and safety law includes responsibilities for forest owners who may be based off shore.*

We support the establishment of an online system for publicly logging enforcement actions in this sector.

The document notes the obvious weakness of the representative organisations in the sector. Of real concern to us is the total lack of representation of workers, and the clear and hostile message from industry leaders that worker representation is not welcome. This message is now being relayed unfiltered through to workers. Given the one-sided nature of this information (we have examples of now being blamed for redundancies in the sector caused by log price reductions!), it is likely some workers will absorb it leading to misunderstandings about what unions are and that forestry workers are free to join them. It is our view that workers will be safer in the industry when they have a sustainable supported voice and that this is evidenced in the current reduction of injuries. The deregulation and fragmentation of the industry is designed to reduce the possibility of worker voice and it is this in our view, that explains the absence of union organisation in this sector. Government or industry support for workers to organise in the first instance should be considered by the Panel.

*Recommendation: That the Panel recommend that employers facilitate opportunities for workers to get genuine information about the union and how to join and that rhetoric opposing unionisation in the sector cease.*

Key Question:

**Do you agree that MBIE should engage directly with the forestry sector in the development of the regulations to support the new legislation?**

**What else do you think MBIE should do to support the forestry sector to engage in the regulatory reform process and understand the changing legislative environment?**

The CTU does support direct engagement with the sector to develop regulations and implement the new regulatory process. However "the sector" must include genuine and independent worker representatives and anything MBIE does to assist the sector should explicitly include assistance to workers in a form that is suitable for them and independent of the PCBUs.

We do however believe that to date the type of engagement has actually resulted in a more dangerous industry and so this must change. The current ACOP was only issued in December 2012 and it further deregulated the industry. It removed for example the requirements for qualifications and replaced them with competency requirements. In doing this it removed professionalism from the job of forest harvest workers (a core element of a professional is qualifications). It removed the need to for example, provide safe carrying bags for silver culture workers and the requirements for employers to manage bad weather (instead leaving this unclear as to responsibility with one reading being that workers have this duty only), and it removed many of the duties on employers from the previous out of date ACOP. The ACOP was developed without worker engagement and the industry dominated the process. The MBIE retained no expert advice and international standards were not considered. In the end, the sector must be involved but the results must be owned by the regulator including to a standard that keeps workers safe and regulates out the known risks.

**Do you agree that FOA, FICA, FFA and CTU should actively encourage members to engage in the regulatory reform process and hold a sector-wide symposium?**

**What else do you think FOA, FICA, FFA and CTU could do to support the forestry sector to engage in the legislative and regulatory reform process and understand the changing legislative environment?**

While a symposium might bring public focus to the changes, a long term education programme will be needed. The CTU offer free health and safety representative training (ACC funded) to workers in the forestry sector. These courses specifically cover the law and workers' rights and duties under it. Very few forestry workers attend this training. FOA, FICA and FFA should send workers to these courses so that they can become informed and a source for information and implementation in the bush. The Panel should make a recommendation to the effect that the industry should commit to having 500 trained health and safety representatives in the industry within the year and the CTU would be happy to assist to provide the training.

From this a sustainable programme of training should be mapped and agreed to with the First Union that is sufficient to ensure information about the legal obligations is integrated into the crews. While understanding the legislative requirements is a pre-requisite a focus needs to be on implementing the new environment. The Panel should recommend that the Industry including unions and Worksafe develop an implementation map including the necessary steps and clarifying the various roles with a timetable and industry tripartite structure to carry it out.

*Recommendation: That the industry commit to training 500 health and safety elected representatives by the end of the year and to develop a plan with the First Union for the period following to ensure a sustainable worker participation system in the bush.*

*Recommendation: That the Industry including unions and Worksafe develop an implementation map for the new health and safety legislation including the necessary steps, clarifying the various roles and a timetable and industry tripartite structure to carry it out*

**Do you agree that the regulatory obligations to notify WorkSafe about any logging operation or tree felling operation undertaken for commercial purposes is continued and given greater emphasis in the new regulations?**

The current system of notifications is under-utilised. The CTU is prosecuting four forestry deaths. In the case of Eramiha Pairama the work was not notified at all. This was not picked up in the MBIE

investigation into this death. In regards the other three the CTU put in an OIA request for them and the documents in Appendix one were provided. The Review panel will see how little the information tells and that none appear to comply with the regulatory requirements. The CTU would like to see a recommendation for enforcement of the requirement to notify including through prosecution when it does not occur and a recommendation that Worksafe inspectors use these notifications both as indicators of poor practice (where they are incomplete) triggering inspection prioritisation but also that these notifications be checked during accident investigations as an indicator of the robustness of safety systems. If our sample of four examples is typical of the standard of these notifications then this is a serious system failure by the regulator and forest owners.

*Recommendation: That Worksafe enforce the notification requirements including through prosecution and use them in investigations and for planning interventions.*

**What do you think the best mechanism is for government to identify and engage with owners and harvest contractors in the small block and farm-forestry sector?**

In regards to small block and farm-forests, the agriculture sector is dangerous. Safe working systems on farms needs to be a focus of Worksafe. Farm notifications for forestry should be inspected before the work begins with a general consideration of the systems on the whole farm. Worksafe would get double its return by combining this work. Farmers are likely to have many contractors coming onto their farms doing dangerous work and a whole of system approach will be needed to improve safety including in small farm woodblocks.

*Recommendation: That farm notifications be inspected before the work begins.*

**Do you agree that PCBUs should be required to notify those organisations or people with whom they share a duty of any provisional improvement or improvement notices and any prohibition notices received?**

**Do you agree that the notification requirement should be in regulations or that the sector should develop a standard contract clause for voluntary use?**

The CTU supports a generic form of recording and making available all health and safety notices under the Act. These could include the notification of dangerous work notices mentioned above, and safety notices issues within the sector. Worksafe should develop a website for this and it could be used beyond the forestry sector. A voluntary process will not work across the board, leaving gaps most likely where the reporting is most important.

*Recommendation: that Worksafe develop a website with compulsory public recording of notices.*

**The Role of the Regulator**

**Do you agree that the lack of regulatory oversight and information impacts on health and safety in the forestry sector?**

We view the regulator as having been weak in this industry and this has contributed to the high accident rate. Low numbers of inspectors, few prosecutions, low standard regulations, reliance on a narrow range of industry relationships and a lack of commitment to workers' rights have all contributed and needs to be changed.

We also note the Panel's finding regarding the gaps in research on a range of key elements. It is our view that the industry was in a position to provide the Panel with this material and in particular the framework guides forestry companies use for contracting, the contracts being entered into,

employment agreements and rates of pay in the sector and turnover. We are unsure why they have not done this, leaving what is an essential knowledge gap. We note the criticism from FICA that evidence has not been considered but note that FICA is the only body that could actually provide this evidence and should be requested to do so. We would like a recommendation that Worksafe commission research into each of these issues and that the industry co-operate with that research to provide the data. We are also concerned that often Coroners recommendations are ignored. It should at least be a requirement that Worksafe and employers respond to Coroners recommendations even when they don't agree.

*Recommendations: That Worksafe commission research into each of the issues above and that the industry co-operate with that research to provide the data.*

*Worksafe and employers to respond to recommendations from the Coroner*

Regardless the CTU knows that wages and conditions in the sector are poor. We have provided the panel with this information previously and this has been reinforced by the workers we contact in the sector. Many are earning \$16-\$17 per hour and working very long hours to earn a living. Few are paid for driving time or work called off for bad weather and many are getting non-taxable allowances to buy their own equipment and PPE. These allowances are in many cases being paid illegally. They are not paid to workers when they on leave (leading to work rather than leave being preferred including during illness) or calculated into ACC payments. There needs to be transparency around the wages and conditions in the sector so fair and safe terms and conditions can be developed.

Models exist for setting minimum recommended terms in an industry. Our preference is that minimum terms be legislated for. However there are other models. In the film industry for example, model industry standards have been agreed between the union and the industry. These standards are promoted by film producers (Forestry owner equivalents in this instance) in contracts with workers. Known in the industry as the Pink and Blue Books they set recommended terms and conditions for those in performance and the technical side of film making.

The CTU seeks a recommendation to set terms and conditions which could include that the industry and union negotiate a similar guide in forestry and that this guide is promoted through supply chain contracts to regulate safe and fair minimum terms and conditions. This guide could include issues such as weather, representative systems, training including payment for training, PPE gear including wet weather gear, driving time, hours of work and wages.

*Recommendation: That the industry and union negotiate an employment standards guide in forestry and that this guide is promoted through supply chain contracts to regulate safe and fair minimum terms and conditions. This guide should include (but not be limited to) issues such as weather, representative systems, training including payment for training, PPE gear including wet weather gear, driving time, hours of work and wages.*

**Do you agree that Worksafe should develop a forestry sector intervention strategy to target education, guidance and compliance and enforcement activities?**

Yes we do and it should include the sort of recommendations we have made above regarding health and safety training. The strategy needs to include leadership from Worksafe in key areas and how it will sustain that. Previous strategies have focussed too heavily on industry-led intervention and it is our view that this industry is not in a position to provide that leadership alone. It is unclear that any

of the industry-led strategies to date in forestry have had any significant impact or been widely accepted.

We are unconvinced there are sufficient inspectors in this industry. We believe that a model of inspection hubs in regions for high risk industries that include roving industry worker representatives and that support and build worker health and safety capacity is a viable model for forestry and other “hard to reach” high risk industries like agriculture. Any intervention strategy has to show that it can viably meet the challenge presented in a convincing way. If the current inspector model cannot be sufficiently resourced to be robust, new models need to be found rather than avoiding that question. Empowering workers and supporting them against the repercussions of participation is an essential part of this.

*Recommendation: that regional inspector hubs which also include roving industry workers representatives be considered in forestry intensive areas of the country.*

In regards standard setting, higher standards with more specificity will reduce accidents and be more successful in terms of managing such a challenging industry. It might be that specific legislation for forestry safety is required including the ability for a “Safe Rates” Commission to look through contracts to ensure prices enable safe operations etc.

Specific legislation could include mandatory standards such as marking out safe zones around trucks during loading, lighting on dark skid and loading sites, worker representation systems suitable to the industry, specific levy provisions to support safety work etc. It is unclear that the current legislation will be effective in an industry so geographically dispersed and based on a low financial investment model. We would like to see a recommendation that specific forestry safety legislation be investigated.

*Recommendation: that specific forestry safety legislation be considered including a “safe rates” commission.*

**Do you agree that Worksafe should convene a forestry safety expert advisory group?**

**What organisations do you think should be represented on the group?**

The CTU supports this but we are not sure of the form. It could be that separate forestry safety legislation would provide for this group, including giving it some specific duties and powers such as accreditation of qualifications, contractors, workers etc. It might be that it become a “professional body” for the industry. Models from overseas could be considered. Any group needs to consider how workers might be involved, elected etc without industry dominance of the process and how it would reach decisions. It may even be considered if this group had some ability to stop work it considered dangerous or other such regulator powers (fines and penalties etc). While this might be a radical set of proposals, it is not necessary for the review panel to stick to the current or traditional models for safety work in NZ if other ideas might be more effective. There is a risk that a simple advisory group would be only for form and not attract innovators or be dynamic.

Unions should be part of any groups including supported to facilitate worker participation. Systems would need to be developed for this and forestry contractors and owners would need to co-operate.

**Do you agree that Worksafe should develop a research and evaluation plan for the forestry sector?**

Yes we do and including some of the issues we have proposed for investigation above.



**Do you agree that a set of key indicators for inspectors to record and report on during workplace visits should be developed?**

**Do you agree that the proposed expert advisory group should be involved in the development of the workplace inspection indicators?**

**What do you think are the key indicators that should be assessed, recorded and reported on during workplace inspections?**

The CTU generally supports this section. We are concerned at the quality of investigation reports into accidents in the industry. They are superficial and are not formatted in a manner that enables them to be used for further safety development. They fail to look at standard statutory requirements such as employment agreements and notifications and they rarely consider issues such as fatigue. They regularly blame the worker on the basis of mistakes made rather than considering why the safety system did not have a back stop to accommodate the fact that mistakes will be made. We seek a recommendation that the quality of investigations be reviewed including some standardisation of essential elements but also development of best practice investigation and reporting.

*Recommendation: that the quality of investigations be reviewed including some standardisation of essential elements and the development of best practice investigation and reporting.*

We like the proposed list of indicators on Page 28 of the Report, and would add that the work has been notified appropriately. There would be no need for the advisory group to develop the list in the first instance as this is a recommendation that could be quickly implemented. Aggregation of some of this data would also be useful identifying system wide weaknesses. Little data is aggregated from Worksafe inspections. Data should be indexed to enable easy identification of common accident causes and types and common PCBUs etc.

*Recommendation: That standardisation of essential elements of investigations be agreed and that data from investigations is indexed to enable easy identification of common accident causes and PCBUS.*

**Do you agree that an enhanced set of procedures and protocols for serious injury and fatality investigations should be developed?**

**What do you think needs to be addressed in the procedures and protocols to ensure that investigations are robust and appropriate?**

We support the list included in the report at page 29. We also seek a recommendation that logging truck accidents be identified to the industry. Currently no separate account of these accidents is kept from general truck accidents. A significant number of logging truck accidents occur each year including killing and injuring both drivers and other road users and forestry workers. At least in the first instance a record of the number of these should be kept. Police investigations into those on the public road should include an assessment of the duties in the health and safety act including the role of the PCBU. This currently does not happen and investigations focus on the Transport Act. We seek a recommendation for a separate Worksafe inquiry into logging truck safety.

*Recommendation: That there be a separate Worksafe inquiry into logging truck safety and that logging truck accident data be identifiable to the forestry industry*

It is our view that Police are too quick to hand over workplace accidents to Worksafe without considering other possible criminal activity. Police have strong powers of investigation which would

help Worksafe in its role. It is our view a number of the recent deaths may have included manslaughter issues which were not considered by the Police simply because they occurred at the workplace. There is no manslaughter exemption in a workplace and each death must also be treated as a possible crime at least in the first instance.

We would like to see further recommendations regarding the communication with families of injured workers. We seek a recommendation that Worksafe and the industry engage with the families to agree protocols on communication, treatment of the dead body and information regarding families' rights in regards to the investigation including the notification requirements in regards to prosecution, rights to be represented at Coroners hearings etc.

There has been much additional grief caused by these matters to the families of deceased workers including hearing news inappropriately, treatment of bodies which does not comply with Maori cultural practice and bodies being returned in very bad condition (e.g. one body was returned infested with maggots), and a lack of information regarding rights subsequent to death. A draft emergency response plan would also be useful including for example how workers will be delivered home after an accident, when they can contact their families to say they are safe etc.

*Recommendation: that Worksafe and the industry engage with the families to agree protocols on communication, treatment of the dead body and information regarding family's rights in regards to the investigation including the notification requirements in regards to prosecution, rights to be represented at Coroners hearings etc.*

## **Guidance about safe work practices and the forestry ACOP**

**Do you agree that the guidance about safe work practices in forestry needs improvement if it is to ensure health and safety in the sector?**

We support a "one-stop shop" so that relevant regulations and guidance can be easily found including more incorporation of duties into the core documents rather than regulations that are cross-referenced to other guidelines as mentioned in the Document. This will not only clarify all expectations but will ensure a record is kept on what is up to date and what is not. Many of the guidelines available are forgotten and ignored.

For example there is a "Guideline for the Provision of Facilities and General Safety and Health in Forestry Work" available on the Worksafe website (referred to in the document). It is unclear when it was produced but it is signed by then Minister of Labour Doug Kidd which dates it to 1993. It sets out the requirements for lighting for example including that "*If any forestry work such as felling, yarding, skidding or loading is carried out at night, the operational area is to be fully illuminated*", and "*that the sources of that illumination should be located and directed to create a minimum of shadow or glare and so that any person who is required to work or stand on foot is not in shadows*". This is an important provision and is not being included in the advice to forestry employers in the current advice. Deaths have occurred in breach of this requirement without it being noted. There are similar guidelines on loading forestry trucks which are almost impossible to find.

The current ACOP also needs review and to include much stronger requirements including around worker representation. It needs to be robustly tested against international standards and to be widely regarded as designed to improve and regulate for safety. The current partial review of the ACOP is not, in our view, being done to this standard and many quarters have expressed concern at

the proposed content. The ACOP misses fundamental issues such as fatigue, weather, training, planning and backing up plans to accommodate error.

As the report notes, many forestry workers do not have access to the internet. Face to face meetings, trained reps and advice in local papers including “buy and sells” are effective. The industry magazine “The New Zealand Logger” is a commercial organisation that in our view downplays the safety issues and in particular is hostile to union representation in the sector. There is the opportunity for a more progressive publication in the industry that provides a “safety promotion” focus to the industry. FIRST Forestry Together Union also hopes to develop its provision of information to workers over time, in order to allow them to engage in the discussion about emerging issues.

*Recommendation: That a “one stop shop” be developed for access to relevant forestry regulations and guidelines and that where possible documents include detail of essential elements rather than cross referencing.*

*Recommendation: that the current ACOP be immediately and comprehensively reviewed.*

*Recommendation: that effective ways to communicate with forestry workers be explored by Worksafe and new approaches developed.*

The union has been completely frustrated by the withholding of safety information by Worksafe. We support accident reports being made available. We are not convinced that releasing them will prejudice a prosecution as they are provided to the defendant. A more robust scrutiny of the reports before they are finalised could help the investigation with communities often having information to contribute. Worksafe should seek advice and develop policy on the release of information in a way that balances these matters.

*Recommendation: That accident reports be made available by Worksafe as soon as possible.*

**Do you agree that Worksafe should develop and maintain an information portal which includes all relevant health and safety legislative, regulatory and guidance and best practice material that will support the forestry sector?**

**What information do you think could be included on the portal and would be useful for the forestry sector to have access to?**

Yes we do and we have answered this to a large extent above.

**Do you agree that the forestry ACOP requires review?**

**What needs to be included in the forestry ACOP that is not there now?**

**What needs to be reviewed in the current forestry ACOP?**

We have covered much of this above and we also support the list in the report. Worksafe needs to engage expertise and use international examples in this review. It also needs to include workers representation in the work. Where the NZ ACOP is to differ from an international standard this should be explained and agreed. Examples of systems could be developed and guidelines should come from the ACOP. The issue of production pressure needs to be addressed in some appropriate way. It is unclear if this is best in the ACOP or legislation as proposed by us, or in an alternative manner but it is an element causing harm and a solution should be discussed.

Recommendation: consideration needs to be included in the panel findings of mechanisms to manage production pressure.

**Do you agree that research should be undertaken to understand the type of health and safety guidance materials that will be most effective for the forestry sector?**

**What type of health and safety materials do you think would be useful for contract harvesters, crew bosses, forestry workers?**

We support research work in this area and testing of resources with workers. A range of material is needed but workers need to understand their rights in regards safe work and how to go about raising concerns. Resources to practice and support these conversations should be considered.

Recommendation: That research and testing of resources for workers be undertaken.

## **Section two: Training, Qualifications and Competence**

**Do you agree that information about incidents of serious injury and fatalities in the forestry sector needs to be disseminated in a timely way?**

**Do you think that Worksafe should produce and disseminate information?**

We have largely covered this but yes Worksafe should produce and disseminate it.

**Do you agree that the forestry sector's training, qualifications and competency framework is not fit for purpose?**

**Do you agree that regulations should prescribe competency standards for safety-critical roles and tasks?**

**How long do you think any transitional period to a new regime should last?**

**Do you believe that re-certification process should be mandatory to ensure skills are retained and updated?**

**Do you agree the regulation should require a period of practical experience to demonstrate competency?**

**Do you agree that training and development for safety critical roles and tasks should be paid work time?**

**Do you agree that forest owners and managers should take account of the cost of training in the rates they pay contract harvesters and crew?**

**Do you agree that new institutional and administrative arrangements are required to oversee forestry qualifications?**

**Do you agree that curriculum and funding policy for forestry sector training requires review and update?**

**Who do you think should lead this work?**

The industry needs to move to a system of qualifications rather than competencies. The shift to competency has compromised the whole training system and is ineffective and cheap. The

discrepancy between providers is unacceptable and agreed standards for qualifications needs to be set. It is unclear which workers Computenz is working with and there is widespread criticism of the system within the workforce.

The shift away from qualifications has disempowered workers and reduced their options for moving between workplaces and finding decent work including international work. Many workers are “half” trained and there is little incentive to complete training qualifications for each individual employer, leaving big training gaps across the industry.

Experience matters in this industry, both for status and safe practice. Qualifications should have adequate experience requirements as part of the makeup. Terms of employment should be linked to both training and service to encourage continuous development of workers. Training should not be funded by the workers.

We support mandatory training standards for all jobs and the establishment of a qualifications board to support the development of forestry training including the curriculum and to recognise programmes and providers. It could also register trained workers and offer ongoing professional development. It is not necessary to “recertificate” if there is a record of continued learning for workers. Workers should continue their development rather than simply train for the job they are doing at any one time, ensuring senior workers have options in the workplace.

Time off for training should be part of the negotiated minimum standards of employment. The Government should reintroduce the forestry apprenticeship which has been recently stopped. The industry should set targets for training and be monitored against them. Workers with half- finished qualifications should immediately be supported to finish them. Forest owners should take the primary role for ensuring training targets are met and training is supported including through funding by these owners. These requirements could be in supply chain contracts or kept separate with training funds being paid specifically for training release and courses to crew in the owners forest. A percentage may need to be designated against the forest owner estate size to dedicate to training.

Return to work policies for trained workers returning to the sector should be developed to ensure skills are refreshed. Qualified workers should attract a pay premium. Canadian training systems should be examined further.

These workers view themselves as professionals in their field and the training underestimates them and their role.

Recommendations: That:

the industry to move to a system of qualifications including built in experience requirements ; and

that terms of employment should be linked to both training and service with qualified workers attracting a pay premium; and that

training should not be funded by the workers; and that

mandatory training standards for all jobs be set and a qualifications board established to support the development of curriculum, recognise programmes and providers, register trained workers and offer ongoing professional development; and that

trained workers continue to have professional development; and that

time off for training be part of the negotiated minimum standards of employment; and that

the Government reintroduce the forestry apprenticeship; and that  
the industry set targets for training and be monitored against them; and that  
workers with half- finished qualifications be immediately supported to finish them; and that  
forest owners take the primary role for ensuring training targets are met and training is supported  
including through funding; and that  
return to work policies for trained workers returning to the sector be developed to ensure skills are  
refreshed; and that  
the Canadian training systems be examined further.

## Section Three: Supply Chain and Safety Culture

**Do you agree that contracting arrangements have an impact on health and safety in the forestry sector?**

Yes we most definitely do and finding solutions to this issue is probably one of the most complicated challenges to the Review panel.

See our comments re “safe contracting” arrangements below. This is a key to improved sustainable forestry safety. Longer term thinking with increased investment will develop a safer set of contractors able to invest long term and develop sustainable crews. Forest owners have contracting templates they use to price work. These should be reviewed. Longer term contracts, more lead in time to plan work, better prices and contingencies and higher expectations regarding wages, training, and staffing would all improve safety. It is our view that the price paid for contracts has a direct impact on the downward pressure on wages in the industry, the long hours and fatigue and the production pressure leading to accidents. This matter must be addressed for sustained improved safety.

If safety requires higher contracting prices then this needs to be done industry wide rather than owner by owner. Without agreed arrangements those prepared to cut corners are disadvantaged in the market.

While finding international examples of safe contracting will be difficult there are jurisdictions where issues like working time, wages and conditions and minimum requirements are more highly regulated. This can assist in setting contracting prices.

Recommendation: Mechanisms be developed to ensure contracting rates are safe.

**Do you agree that the FOA, FICA and FFA should initiate a project that, taking account of the new Bill clearly details:**

**The forest sector supply chain so that the complexity is documented and understood**

**The health and safety risks, controls or mitigations at each level in the supply chain**

If these organisations don't already have this information then we think a project like this would be most useful to the sector. A lack of a clear picture of the industry has resulted in a lack of understanding about the causes and contributors to accidents and to a lot of misinformation being spread. A clear supply chain project would also enable planning in the industry for health and safety and interventions.

**Do you agree that FOA, FICA, FFA and CTU should initiate a project that establishes the mandatory health and safety standards to be addressed, monitored and evaluated in forestry sector contracts, and develops model contract clauses for use across the sector?**

**What do you think are critical health and safety factors that should be addressed in forestry-sector contracts to ensure mandatory standards are met?**

Yes we do. See our previous comments regarding industry standards for employment conditions which could form part of this work. In order to do this a much greater understanding would need to be obtained regarding what are the cost drivers in these contracts (e.g. the costs of machinery, staff, overheads) and what needs to change to make things safer that would alter these costs. This piece of work in itself would be useful to the industry. "Safe Contracting" mechanisms such as an independent body to hear complaints could be considered to guide the industry. This would need to be provided for in specific legislation. Similar type arrangements now operate in Australia for truck driving because of concerns trucking prices were compromising safety.

In regards to critical safety factors these would at least include rates of work, rates of pay and hours, accommodation of weather and driving times, investment in machinery, time to plan and build infrastructure, training of workers including in health and safety, fatigue, staffing levels, safety equipment etc.

*Recommendation: Mechanisms be developed to ensure contracting rates are safe.*

**Do you think the forestry sector should institute a two-step process to procurement with the first step being to demonstrate how health and safety standards would be met?**

The problem with this is the potential for this mechanism to be used by forest owners to control the market rather than improve health and safety. There are contractors that refuse to tender for work with some forest owners based on previous experience and there are others that challenge parts of how these businesses cost the work. A more independent system of ascertaining safe contracting operations is in order rather than allowing the forest owners to control this part of the market.

The Panel should also consider whether more direct employment would be a safer model for workers in this sector. The contracting model is dominant but it is not essential that this model remain. If forest owners were responsible for their own harvesting some of the supply chain and scale issues would disappear. This does not seem to have been contemplated by the panel.

**Do you agree there should be a phone line to enable poor health and safety practices in the forestry sector to be anonymously reported?**

**Who do you think would be best placed to manage any forestry sector phone line?**

Sadly demand for a phone line is driven by the lack of support workers feel in raising health and safety concerns directly and reflects a lack of safety culture in the forest. While not opposed to the idea, it needs to be done in addition to for example our proposal for regional safety hubs to ensure

worker capacity to deal with safety is built up. If a line were to be set up it would need to be run either by Worksafe or an independent union (which would enable wages and conditions issues to be addressed as well).

**Do you agree that work needs to be done to understand the business support needs of contract harvesters to support safe work practices in the forestry sector?**

**Do you agree that any templates and tools developed to support contract harvesters to undertake better business planning to support safe work practices should be made available without charge across the sector?**

**Do you agree that the proposed business support be made available before the new Bill is enacted as law?**

The CTU would support both industry and government to enable better support for small businesses in this sector. Business development would help long term planning, employment advice would support better jobs and processes for hiring, training etc, and more legal and accounting support would help put contractors on a better financial footing. All of these might make safety improvements more achievable. Ideally an organisation like FICA would be the hub for this but we do not have confidence in this organisation at this stage to do this type of work. Regardless such support should also include management training including on “just culture” and participative work practices.

## Safety Culture on the forest block

**Do you agree with the proposal to carry out a stocktake and evaluation of the effectiveness of current safety culture initiatives?**

**Do you agree that successful safety-culture initiatives should be rolled out across the forestry sector?**

**Do you think ACC should fund culture initiatives through their injury prevention programme? If not, who should provide the funding?**

**Do you agree with the need for more research on how best to address factors and drivers that sustain existing safety attitudes and practices in the forestry sector?**

**Who do you think should lead the research programme on safety culture?**

**What other approaches could Government, industry and workers take to improve safety culture on the forestry block?**

There are a number of problems with the concept of “safety culture” in forestry. Firstly it is unclear what those in the industry think it is. There are certainly lots of “motivational” type programmes where speakers talk to crews, safety breakfasts that encourage people to be safe, radio adverts suggesting it is all within workers capacity to stay safe, meetings where analogies to the All Blacks are invoked etc, but few of these truly deal with culture and workers appear to have become sceptical about them.



The reality is that workers feel very powerless in this industry and are not highly regarded. Industry leaders depict them as drug takers and careless and the communities they live in repeat these claims. Little is done to put workers in control of other elements of the “growing safety culture tree” except the drug taking and talking points. This leaves elements such as continuous learning, worker involvement, work pressure and rewards not included in the safety culture change.

**The CTU supports the idea of a stocktake and understands this is part of the current ACC programme.** We note however that culture follows from imperatives like laws, regulations, enforcement actions, requirements from principal contractors and management realisation that things cannot continue as before, rather than out of the blue or as a result of “pep” type talks.

If a new programme is to be rolled out then the scepticism of workers will need to be factored in. More unpaid time listening to motivational speeches will not impress. A new resourced approach including all elements of a cultural change programme including developed by workers for workers would be needed with proven theory and success behind it. It would need to be sector wide and engage workers in conversation about serious work issues with assurances of outcomes that address any issues identified. ACC should take a lead from Worksafe rather than contracting this work to the FOA as previously and it should be integrated into other work. In terms of phasing, this piece of work would be better to follow other significant changes to the industry and the experience of the workers in it rather than as a lead piece. Real change in the industry is likely to build trust and interest in a programme such as this.

#### **Section Four: Worker Participation and Representation**

**Do you agree that a lack of worker participation and representation is an issue that is impacting on health and safety on the forest block?**

**Do you agree that there is a need to better understand worker participation and representation in the forestry workforce and what works?**

**Do you agree that the forestry sector and the CTU should examine ways to effectively implement worker participation and representation models across the sector?**

**Who else do you think should be involved in considering ways to ensure that workers participate in health and safety initiatives and are represented in the forest workplace?**

**What do you think it's the best way to ensure that workers participate in government and industry led initiatives to improve health and safety?**

There are two forms of representation that we believe will help forestry workers stay safe. The first is by forming a collective voice to participate in all the proposed opportunities in the document. It is not possible to have a representative voice without a mechanism to determine representation. We know many workers have expressed support for the union but feel worried about joining and we are concerned that a determined anti-union conversation and message is being orchestrated by the industry and we have been given information to this effect.

Workers are being told that the union is not welcome in the industry and that unions have some form of “self interest” in the forestry workforce. It is unclear how this is being portrayed but a number of workers have expressed concern at it. The union for example is being blamed when work has been called off for bad weather (for the first time for some workers) and workers are being put on annual leave for the day (illegal). The union has been blamed for shorter hours being set in some forestry work without an increase in remuneration so workers on low wages are being left short of money. The union is even being blamed for the fall in log prices we understand!

The CTU is firmly of the view that forestry workers should be encouraged to explore union membership in a neutral manner without interference by their employers. A safety culture would protect workers’ rights as the norm and this includes the Right to Freedom of Association recognised in New Zealand and international law. We seek a recommendation that forest owners and contractors behave neutrally to the issue of union membership and provide access to union information to their workers.

*Recommendation: that forest owners and contractors behave neutrally to the issue of union membership and provide access to union information to their workers.*

In regards to health and safety participation, some of this takes place in tail gate meetings. This level of participation however is far from what is required to get a genuine worker voice on safety issues at the workplace and misses other points of influence in the supply chain. Workers report they have rarely if ever heard issues such as hours of work or conditions being discussed at these meetings. Resources need to be developed to support crew to have difficult conversations and to practice them. Expert advice should be engaged to advise on how this could be done. Tail gate meeting resources should include this type of training. Inspectors should host these conversations on inspection visits.

In regards to representation, the industry should set a target for elected health and safety reps to attend CTU health and safety training in the next year and agree a programme of delivery with the CTU. The target should include shifting a significant number of reps to level 2 training and for inspectors to know these reps and meet with them to support them in their regions 3 or 4 times a year. These reps should be encouraged to work together within the region as active health and safety officers. These representatives should be the first port of call for government and industry led representation. A commitment such as this would see a group of worker safety leaders emerge within the sector providing strong role models and affecting culture.

We support the proposal for research into how to develop effective systems including monitoring the impact of a plan like that set out above. It is insufficient to do research and not get on with the legal requirements for trained reps immediately.

*Recommendation: the industry set a target for elected health and safety reps to attend CTU health and safety training in the next year and agree a programme of delivery with the CTU including shifting a significant number of reps to level 2 training and for inspectors to know these reps and meet with them to support them in their regions 3 or 4 times a year.*

## **Working Conditions**

**Do you think that poor working conditions impact on health and safety on the forest block?**

**Do you agree it is important that all forestry workers have an employment agreement or contract that meets minimum standards and entitlements?**

**Do you agree that WorkSafe, the labour inspectorate and industry are best placed to lead work to improve the understanding and quality of employment agreements and contracts?**

**What other ways can the sector ensure the widespread use of written agreements or contracts.**

**Do you agree the labour inspectorate should prioritise compliance and enforcement of minimum labour laws in the forestry sector?**

**Do you think a greater enforcement of minimum employment standards has a positive knock-on effect for safety?**

**Do you think a focus on employment standards would have unintended consequences for workers?**

Clearly working conditions impact on safety. Low pay and long hours combined with inadequate provision for call offs, training etc contribute to work pressure which in turn contributes to accidents. Production pressures act as an incentive for worker to tolerate unsafe practices. There needs to be rules around these including no financial penalties when quotas or targets are not met for safety reasons.

We are disappointed the industry has not provided more information on the terms and conditions of work in the industry because in our experience they are particularly poor. This week workers are being laid off around the country with one week's notice and no redundancy compensation as the log price falls. Oppressive work conditions makes forestry work unattractive and increases turn over. Insufficient income encourages long hours and means worker may not be living in decent accommodation, eating health food etc. The wages in the industry have long been stagnant (and declining in relation to the cost of living) and this is an illustration of the imbalance of power in the sector. It is certainly not related to log prices which have been at an all-time high until recently.

See our previous comments re agreeing minimum contracting standards. Mandatory standards could be made possible by specific forestry safety legislation.

It is also important that current regulatory and statutory requirements are carried out and that labour inspectors play a role here. Greater enforcement of the facilities provisions, the minimum wages code and the requirement to have written agreements should all be included in the recommendations. We cannot see any unintended consequences of improving compliance with employment standards for workers in the industry.

*Recommendation: that there be greater enforcement of the facilities provisions, the minimum wages code and the requirement to have written agreements in forestry*

**Are mandatory stop-work rules necessary for unsafe working conditions?**

**Who do you think should be engaged in developing any stop-work rules?**

**Do you think stop—work rules would have unintended and negative consequences for contract harvester and crew?**

A mandatory system for how to stop work for safety concerns should be developed. However these are part of the new proposed health and safety legislation. The question is not whether they are needed, but whether there are any special issues for how they are implemented in the forestry industry and how PCBUs should use them to carry out their duties to keep workers safe. This needs to be discussed and a plan developed.

Recommendation: that a plan be developed to implement the “stop work” rules in the new legislation

## **Section Six: Infrastructure on the Forest Block**

**Do you think poor infrastructure planning, design and construction is impacting on health and safety on the forest block?**

**Do you agree on the need for mandatory standards for skid sites, roading and bridges on the forest block?**

**Do you agree that the forest road manual provides a good basis for work to set mandatory standards for forest block infrastructure?**

**Do you think there should be mandatory competence standards for the design and construction of skids sites, road and bridges for forestry operations?**

**Do you think the design and construction of roads, bridges and skid sites should be undertaken and/or supervised or signed off by a registered professional engineers?**

**Do you think there should be mandatory competence standards for those operating and managing skids sites during harvesting?**

**Do you agree that health and safety benefits can be achieve from a NES for plantation forestry?**

**What other mechanism can be used to ensure consistent standards for infrastructure in the forest block?**

Certainly more understanding of infrastructure development and its role in safe systems of work is needed. We have heard very worrying stories of worksites being badly designed leading to increased safety risk. We are not experts in this area and cannot answer many of these questions directly but urge the recommendation of as much standardisation as possible around the expectations for infrastructure. Support for a financial model to enable decent investment does need to be included in the considerations, expertise including engineering expertise should be developed, and qualifications within the workforce for infrastructure supervision should be available. We support the recommendation for an NES for plantation forestry.

Recommendation: that there be as much standardisation as possible around the expectations for infrastructure.

## **Section Seven: Safe Systems of Work**

**Do you agree that hazard mapping and planning, including planning for adverse working conditions and emergencies, is variable and impacting on health and safety on the forest block?**

**Do you agree that work needs to be done to improve safety management systems for work on the forest block?**

**What do you think are the key components of pre-harvest hazard mapping?**

**What do you think are the key components of daily hazard mapping?**

**Do you think that daily hazard mapping and the improved management of dangerous trees will help reduce injuries and fatality on the forest block?**

**How do you think crews can be successfully encouraged to undertake effective daily hazard mapping?**

The CTU does support better mapping and planning both overall and daily on forest blocks. Regardless the nature of the work will mean people will make mistakes, and systems must be established to ensure that a single mistake does not result in an incident. We note some crews moving to “pair felling” methods, where two workers cut each tree. We are interested in this as it appears to allow a “watcher” and a “cutter” working together. In combination with a good daily hazard map this could be very effective and include a reduction in mistakes and a better way to reduce fatigue.

The safety systems on forestry blocks desperately need backstops built in for when workers make mistakes or unplanned events mean the whereabouts of workers is unclear. The basic rules should make stopping mandatory unless the whereabouts of a worker can be established. Trucks and other safety zones on skid sites should be coned off to ensure people stay out of them. Lighting should be required if night or early morning work is undertaken and the very idea of working in the dark should be questioned. Accidents where workers failed to ascertain overhead dangers need to be eliminated through a system that double checks these risks before trees are cut. Communication needs to be two way and modern technologies (such as GPS systems) need to be invested in for better identification of worker location and hazards. Technology to measure safe distances can be utilised and systems need to ensure breaks are taken, hours are managed and driving is not done by tired workers.

When a worker is injured, the safety system has failed – it speaks for itself. This is little understood in the sector and too often it is considered that a worker has failed. The systems need to account for these possibilities.

Work speed needs to be understood as a hazard and managed. In difficult terrain, bad weather etc work speed needs to be considered and included in the daily hazard mapping.

**Recommendation: basic rules should make stopping mandatory unless the whereabouts of a worker can be established; and**

**trucks and other safety zones on skid sites should be coned off to ensure people stay out of them; and**

**lighting should be required if night or early morning work is undertaken; and**

**communication needs to be two way and modern technologies (such as GPS systems) need to be invested in for better identification of worker location and hazards; and**

**systems need to ensure breaks are taken, hours are managed and driving is not done by tired workers; and**

work speed needs to be understood as a hazard and managed.

## **Section Eight: Equipment Including Personal Protective Equipment**

**Do you agree that the varying approaches to design and maintenance of machinery, PPE and other equipment is impacting on health and safety on the forest block?**

**Do you agree that a systematic approach to approval of new technologies and better management and maintenance of all machinery and equipment is required for the forestry sector?**

**What do you think are the key hazards that need to be addressed before new technologies are rolled out for use to the forest block?**

**Do you agree that the FOA, FICA and FFA should show greater leadership in supporting the research and development of the PPE and equipment needed for workers to be safe?**

**Do you agree that high-visibly materials and design for safety garments needs review?**

**Do you think there is need for greater clarity about the emergency equipment needed on the forest block?**

**Do you think mandatory standards for emergency equipment should be developed?**

The CTU very much supports better regulation of the design and maintenance of machines and gear. Worksafe investigators also need to be better at seeking expert advice when an accident appears to be gear related.

We have numerous examples in DOL investigation reports of incorrect and failing gear:

Robert Burnett - killed when a tractor brake failed after a brake part had been re-straightened during maintenance and weakened (or was left rubbing on a hydraulic hose) – rolling Roberts tractor over a hill backwards with him in the machine. The Investigator failed to properly investigate why the break failed leaving it to Robert's mother to fight on to discover the reasons. This accident left questions about the competency of mechanics working on some of this gear which may need specialised skills. These machines carry very heavy loads and this may not be understood. The broken parts were not photographed in the initial investigation and much evidence and knowledge was lost.

Eramiha Pairama was wearing gear so dirty it obscured vision of him. His communication system was one way only.

Charles Finlay was wearing at best, day high viz gear – at worst his gear was not up to any standard. He had no communication system when outside of his loader.

Questions have been raised in the Coroner's report about how the machine used to haul logs in the death of James Goodfellow was anchored. Anchoring of these machines lifting heavy loads is haphazard and in the case of James, the anchor (a stump) lifted and came down on him.

Many questions about the provision of adequate wet weather gear, the quality of the protective clothing, the adequacy of lighting, the use of communication equipment, and the qualifications of drivers of machines are raised by the deaths of the men in the forests since 2008. It is clear new

technologies could help and standardisation of clothing is essential including reviewing high visibility gear and identifying the best solution then regulating for it. Gear such as high quality wet weather gear also needs to be included in PPE gear regulations.

Qualifications of those maintaining machines needs examination and training of those using them. We agree that the industry should finance research into new technologies to support safe work. We support the current emphasis on technology to manage fatigue etc but believe actually it is a reduction in long working hours that is needed in this regard. Technologies to identify worker locations are useful developments provided they are not relied on when doubt arises and they are not simply to identify workers falling after an accident.

Partial mechanisation is also increasing work intensity for many manual parts of the operation. Tree fellers report struggling to keep up with mechanical breaking out and this needs to be factored into the development of mechanisation systems.

We support the regulation of emergency equipment.

Recommendation: Machines and gear specifications should be regulated including the use of machines; and

those maintaining machines should be suitably qualified for these types of machines and the work they will do; and

wet weather gear be regulated as part of PPE; and

adequacy of lighting be required; and

two way mobile communication equipment be required; and

drivers qualified for machines; and

qualifications of those maintaining machines be examined; and

partial mechanisation creating pressure on those working manually must be factored into safety systems;

## **Section Nine: Managing Impairment**

**Do you agree that the issue of impairment (through fatigue, inadequate nutrition or hydration and the presence of drugs and alcohol) is impacting on health and safety in the forest block?**

**Do you agree that ACC and Worksafe should look at how to introduce new injury prevention initiatives that address and incentivise managing risk from impairment in forestry work?**

**Do you agree that mandatory standards are required for managing impairment on the forest block?**

**What role should the regulator play in monitoring impairment in this workforce?**

**Do you agree that it would be appropriate for Worksafe to put in play a mandatory standards for drug testing on any site where there is a serious injury or fatality?**

**Do you agree that it would be useful for Worksafe to provide guidance on how to best manage the use of drug and alcohol in high risk sectors?**

## **Do you agree it is time to review the Drug and Alcohol COP?**

The CTU is absolutely convinced that fatigue is a major contributor to the high rate of accidents in forestry and the Panel, we are sure, would have had this view confirmed by workers during its public consultation. In many instances it is not possible to work the hours being contracted safely, combined with number of days per week being worked and the driving times etc involved. Longer breaks will not resolve this issue and workers need a balance between work and time off including time to participate in social activities without this impacting on their safety at work. Wages need to be adequate so that long hours are not essential to financial wellbeing.

While fatigue is an impairment, grouping it together with issues like drug use categorizes it as a worker induced impairment rather than one inflicted as a result of the work regime. The Panel needs to ensure its recommendations separate out this issue. We do not support grants from ACC to forestry to investigate ways to manage impairment that includes fatigue and believe this needs to be separated out from the other impairment issues. Fatigue is simply caused by overwork and working time needs to be reduced and managed. We also do not support ACC incentives for managing impairment that includes fatigue. We are concerned that the Panel is not considering options for system changes to manage fatigue and rather building understanding of it. It requires a system change to reduce the demands of this work. More research and policy work needs to be undertaken on fatigue and reducing it in the forestry sector. We note in parts of Canada, hours of work are restricted to 6.5 per day for workers hand falling trees – this is to reduce fatigue related accidents.

Preparing decent meals takes time and energy and workers report being too tired to even cook in the evening and resorting to poor quality meals. Early mornings stop decent breakfasts being taken and encourage take away food. Recent radio advertising encouraging workers to get up a bit earlier and eat an egg have offended workers who report already barely getting enough sleep before the next working day. The industry must develop a model which balances work and rest and includes fatigue management expertise. This model should be part of the discussion setting out standardised terms of employment.

*Recommendations: That recommendations on fatigue be separated out from other impairment issues.*

*That research and policy work be undertaken to identify the impact of fatigue, how it is caused in forestry work and how to manage it so that it is not a hazard.*

*That the ACOP regulate for fatigue and industry standard conditions of work include provisions to address it.*

We support managing the use of drugs and alcohol to ensure workers are not impaired by these at work. We support the testing of workers when a serious harm accident or death occurs including all those involved in the workplace. A great deal of emphasis has been put on drug testing by the industry including in these most dangerous recent years but accidents have remained high. This emphasis has been used in order to create a false impression that drug use explains the accident record, which clearly it does not. This “fiction” needs to stop as it creates false initiatives for safety. It should be noted that in the 6 cases in which the CTU is involved with the Coroner in Rotorua and elsewhere, none of the deceased were impaired by drugs or alcohol and it is likely many were impaired by tiredness.



We agree that drug testing be utilised to show impairment rather than to find legacy drug use and support fair process for rehabilitation for workers with drug problems. We would welcome a Worksafe led discussion on drug testing and its implications. We do not support the FOA leading this piece of work.

Helen Kelly

President

NZCTU

**Appendix One:**

FINLAY  
 Sent by Hancock Natural  
 Resource Group  
 18/07/2013

HFM Current Crew  
 Locations as at  
 18/07/2013

Sum of Tonnes Allocated

Supplier	Code	Sched Start	Sched End	H/Area	road_location	Forest	System	H/Forester	Forester	Total
Cross	30	28/06/2013	3/09/2013	3411297	Flavell	KINL	GB-SKR	9(2)(a)	9(2)(a)	24760
		4/09/2013	7/10/2013	3411296	Flavell	KINL	GB-TRK	9(2)(a)	9(2)(a)	12241

Harvest Forester	Mobile	Manager	Mobile
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)

Forester	Mobile	Manager	Mobile
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)

**Appendix Two:**

MAHANGA  
Sent by Hancock Natural Resource  
Group14/02/2012

HFM Current Crew Locations as at  
14/02/2012

Sum of Tonnes Allocated

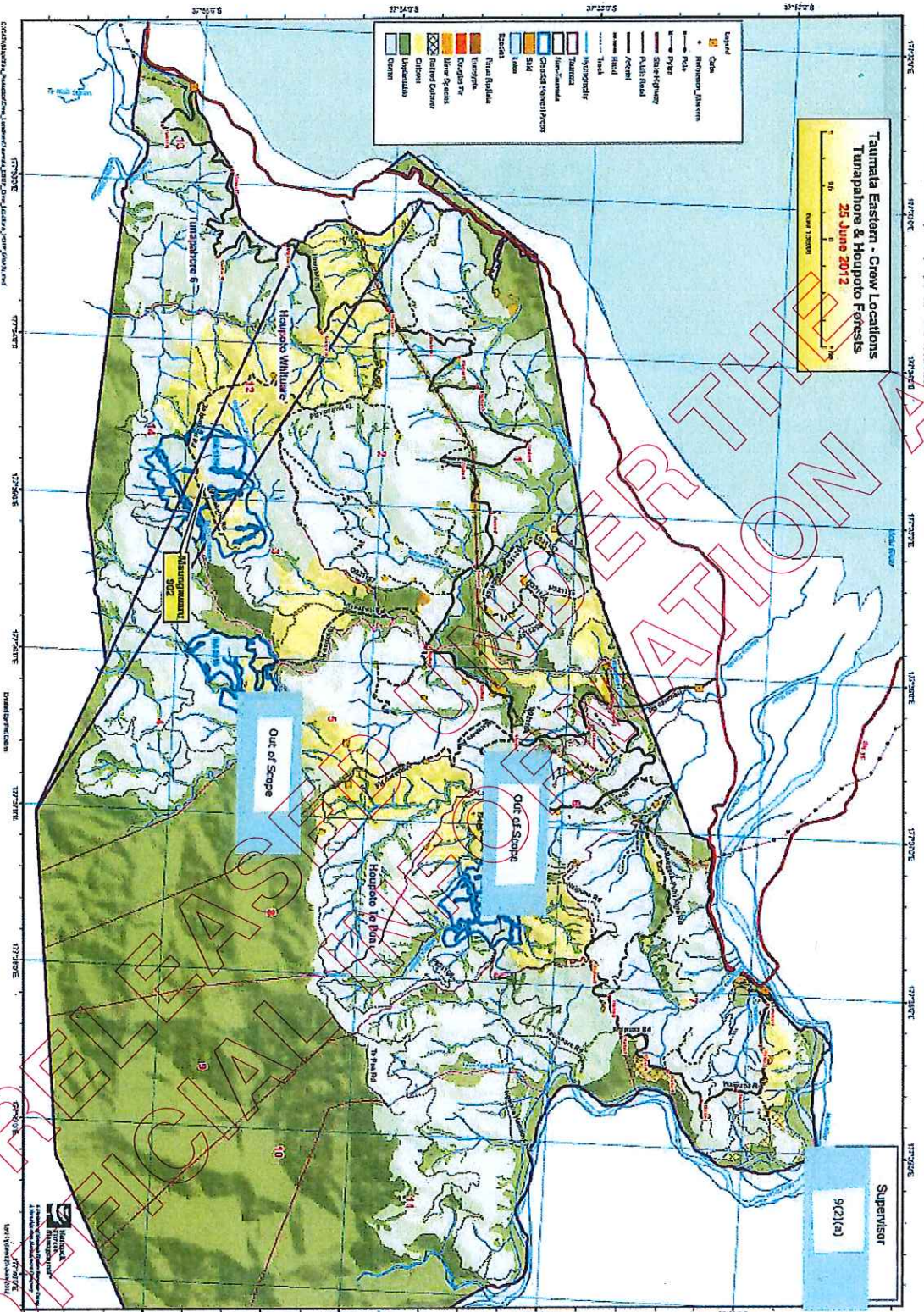
Supplier	Code	Sched Start	Sched End	H/Area	road location	Forest	System	HFMRep	Total
Sinton	52	23/09/2011	10/04/2012	3110711	Clothier	KINL	HLR-S45	9(2)(a)	10893
		11/04/2012	29/06/2012	3110717	Clothier	KINL	HLR-S45	9(2)(a)	11650

Harvest Leader	Mobile	Manager	Mobile
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)
9(2)(a)	9(2)(a)	9(2)(a)	9(2)(a)

OFFICIAL INFORMATION ACT  
RELEASÉD UNDER  
OFFICIAL INFORMATION ACT

Appendix Three:

Sent by Hancock Natural Resource Group - 25/05/2012 - MCALURTRIE



RECEIVED  
SPECIAL  
OPERATION

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT