

# Independent Forestry Safety Review

## Summary of the Public Consultation Document

### Factors Influencing Health and Safety in the Forestry Sector

6 June 2014



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## Chair's Foreword

At the time of writing this document, WorkSafe New Zealand statistics showed that between 2008 and 2013 there were 967 serious injuries related to forestry and logging.<sup>1</sup> There had also been 28 fatalities.<sup>2</sup> That is one person short of the number of workers killed in the Pike River mine disaster. It was a particularly dreadful year in 2013 – there were 10 fatalities. The injury rate for the forestry sector is almost six times the overall rate for all sectors.<sup>3</sup> This has led to the forestry sector initiating this Independent Forestry Safety Review (the Review).

The Review has been established by a group referred to by my Review Panel colleagues and I as “the Review sponsors” – the Forest Owners Association, the Forest Industry Contractors Association and the Farm Forestry Association. In their view, the frequency of injury and fatalities is unacceptably high. The forestry sector will not be sustainable in the future unless New Zealand forests become safe places to work. Action is needed to prevent injuries and fatalities and to make the most of the opportunity provided by the regulatory reform currently in progress.

Even at this stage of the Review it is clear that widespread change must occur in all parts of the sector in order to prevent injuries and save lives. It is also clear that in the recent past the regulator has not had adequate resources to focus on the forestry sector. WorkSafe New Zealand has now been set up and is in its formative stage. The Review Panel would like to acknowledge the important role it has to play in leading change; it needs to grow into a strong educator and regulator.

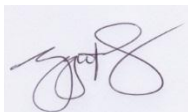
The Review Panel is very grateful for the support received in compiling this document. Support has come from the Review sponsors, from across the sector – including the families of those tragically killed – and from government. Many people have voluntarily given their time to the Review. We are only part way there. We are now asking for your time.

If you are reading this, you have become a stakeholder in the Review. You have shown an interest in health and safety in the forestry sector. My Review Panel colleagues and I hope that your interest inspires you to provide purposeful insight into the Review; please do not waste your views by remaining silent.

We seek your feedback on what you believe are the key issues. We want to get all the issues on the table, even if you think they are well known. Please tell us if we have missed something that you think is essential. Please also tell us what you think about the options for change we have proposed and if we have missed any.

The Review Panel needs to conclude this consultation phase with a very clear picture of the key health and safety factors affecting the forestry sector and how they might be addressed. It needs your help to do this. Please participate and support us in recommending change that will reduce serious injuries and save lives.

Thank you.



George Adams, Chair, Independent Forestry Safety Review Panel

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<sup>1</sup> Serious harm incidents reported to WorkSafe New Zealand and its predecessors. This excludes deaths and injuries on forest roads.

<sup>2</sup> <http://www.business.govt.nz/worksafe/information-guidance/national-programmes/safer-forest-harvesting/forestry-statistics-2008-2013>, accessed 1 April 2014

<sup>3</sup> <http://www.business.govt.nz/worksafe/about/who-we-work-with/action-agenda-action-plans/forestry-sector-action-plan-2010-13>, page 12, accessed on 14 April 2014

## Executive Summary

The objective of the Independent Forestry Safety Review (the Review) is to identify the factors that led to serious injuries and fatalities in the forestry sector. Between 1 January 2008 and 30 June 2013 there were 967 notified serious harm incidents in New Zealand forests.<sup>4</sup> There were 28 fatalities.<sup>5</sup> The injury rate for the forestry sector is almost six times the overall rate for all sectors.<sup>6</sup> This is disproportionate and unacceptable.

Following consultation, the Review Panel intends to recommend a package of practical measures that will improve health and safety in the forestry sector now, and create a firm foundation for change in the future. People deserve to come home safely from work every day. They deserve a much higher duty of care than is currently being exercised across much of our forestry sector.

The forestry sector is diverse. Forest land and the trees on that land can be owned by different organisations or individuals. There are large and small-forest owners, and “farm foresters”. There are forest management companies, marketing companies, logging truck companies and contract harvesters that are all part of the forestry sector supply chain. There are crews of forest workers across New Zealand in remote and isolated forest blocks.

The diversity in the structure of the forestry sector has resulted in challenges for managing health and safety. But this provides no excuse for the rates of serious injuries and fatalities that are occurring. The Review Panel agrees with the view of WorkSafe New Zealand (WorkSafe) that if the work cannot be done safely then it should not be done at all.

Considering the hazardous nature of tree felling and breaking out, it would be tempting to focus on the workers carrying out these activities to address the factors that result in serious injuries and fatalities in the forestry sector. But it is the Review Panel’s view that this would not be good enough. It would leave key questions unanswered.

The recent WorkSafe workplace assessments highlight the need to look beyond the worker. This finding is not new. The Royal Commission on the Pike River Coal Mine Tragedy and the Independent Taskforce on Workplace Health and Safety both found that no single factor or individual can ever be solely to blame for an accident.

The Review Panel has found that there are a number of underlying issues which it believes are driving the high rates of serious injuries and fatalities on the forest block. Therefore, a multi-layered approach is needed to address the issues. To turn around the unacceptable safety record, good health and safety practices need to extend throughout the supply chain. There is much good practice. And examples need to be drawn from those who are safely planting, tree felling and breaking out.

Given the broad terms of reference, the Review Panel chose to limit the scope of the Review to focus on serious injury and fatalities on the forest block. It did not look at log transport issues on public roads or how logs are managed at the ports.

The Review Panel did look at what other countries do to manage health and safety in the forestry sector. In most circumstances it is not possible to make direct comparisons between an international sector and the New Zealand forestry sector, although international best practice is still worth considering. The recommendations from this Review need to be fit for purpose for New Zealand.

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<sup>4</sup> These are serious harm incidents reported to WorkSafe and its predecessors. This figure excludes deaths and injuries on forest roads.

<sup>5</sup> <http://www.business.govt.nz/worksafe/information-guidance/national-programmes/safer-forest-harvesting/forestry-statistics-2008-2013>, 1 April 2014

<sup>6</sup> <http://www.business.govt.nz/worksafe/about/who-we-work-with/action-agenda-action-plans/forestry-sector-action-plan-2010-13>, page 12, accessed on 14 April 2014

This document considers the factors impacting on health and safety in the forestry sector, from law, regulation and codes of practice, through to actual practice on the forest block. The changing legislative and regulatory framework for health and safety is considered critical for improvement in the forestry sector. This Review is happening at a time of broader change related to health and safety. This provides an opportunity for the forestry sector to engage in the legislative reform process and to build relationships with WorkSafe as it works through its formation stage; it is a new organisation with a new focus on improving workplace health and safety. The Review Panel believes it is important that the forestry sector engage in the regulatory reform process that supports the new Health and Safety Reform Bill.

There are a number of options in this document to enhance the role of the regulator – WorkSafe – in relation to forestry. They include the development of an intervention strategy and the establishment of an expert advisory group which can advise on a range of matters, including the setting of mandatory standards in forestry for safety-critical roles and tasks, and the production of guidance materials that are appropriate for the audience. But safety on the forest block is not just the province of WorkSafe. All those who directly or indirectly influence what happens on the forest block have a part to play.

The role of training has been highlighted as an issue. Among other things, there is no agreed view across the sector on the current value and suitability of training for forest workers. This is a significant concern and there is an option for a new advisory board to oversee forestry safety qualifications. It also appears that the funding model for training limits flexibility in delivery.

As noted above, supply chains in the forestry sector are diverse and complex. There is a variable approach to addressing health and safety in contracting arrangements across the sector. The Review Panel believes that greater leadership is needed by those who own the trees to drive changes to safety culture all the way down the supply chain. The contracting process and payment mechanisms used by forest owners and managers may create production pressures and perverse incentives which contribute to health and safety issues.

The Review Panel has heard about the “can do” culture on the forest block. Contract harvesters, crew bosses and workers who choose to work in forestry are physically and mentally strong. This appears to be a prerequisite of the job. The Review Panel sees the need for a “can do safely” culture that builds on the opportunities provided by small and close-knit crews. It believes that culture is likely to be an important part of the solution to improving safety on the forest block. This consultation document proposes that further work be undertaken to develop an enhanced safety culture.

Developments in culture should support, and be supported by, greater worker participation and representation in health and safety matters in the forestry sector. Workers need to be aware of their responsibilities and rights as well as have the confidence and capability to exercise them. They need to be supported to influence sector-wide improvements in health and safety and need to be part of the process that influences change. Participation and representation should not be done “to” workers but done “by” them. This document challenges the sector to consider how to implement effective worker participation schemes.

The Review Panel believes that challenging and often harsh working conditions are a contributing factor to the rate of serious injury and fatalities. Working conditions, particularly wage rates, lack of long-term job certainty, and working in adverse weather inhibit the sector’s ability to attract and retain skilled workers. The Review Panel would like to see employment agreements or contracts for all forestry workers that provide sufficient security and clarity for all parties on working conditions. These agreements and contracts should meet the mandatory requirements of health and safety and employment law.

Identification of hazards, both pre-harvesting and on a daily basis is essential to the forest block being a safe place to work. The Review Panel is concerned about the variable approach to developing and maintaining safe systems of work. A safe system of work needs to take account of hazards such as holes, troughs, power lines,

creeks, gullies, bluffs, ridges, and the condition and location of trees, particularly in relation to tree felling and breaking out – the two most dangerous activities on the forest block. It also needs to consider hazards such as adverse weather conditions. This consultation document proposes that a greater emphasis is placed on hazard mapping, planning, and safe systems of work.

Safe systems of work rely on quality infrastructure. The importance of infrastructure is widely recognised by forestry stakeholders, but the Review Panel has heard that the quality and adequacy of forestry roads, bridges and skid sites are variable and often not up to the job. This is a concern, and this consultation document proposes that standards be put in place for design, construction and maintenance of forestry infrastructure.

The Review Panel is not satisfied that there is a clear system to verify the safety of new and existing mechanised equipment and other technology in the forestry sector before it is brought into operation. This document proposes options to ensure that plant and equipment support safe work practices. It also proposes options to ensure the adequacy of personal protective equipment and for equipment used for emergencies.

Finally, this consultation document considers issues of impairment – fatigue, inadequate nutrition and hydration, and the presence of drugs and alcohol – on the forest block. Initiatives are needed to build greater awareness of the issues of impairment. This document proposes that WorkSafe review the approach to addressing impairment in the forestry sector. It may be that regulator-led, mandatory standards and guidance are needed.

Once the Review Panel has been out to talk with stakeholders across the country about the issues and options for change presented in this document, and have received submissions, we will begin considering our recommendations, taking account of the views expressed in response to this document.

The Review Panel will continue to work with key stakeholders in preparing and publishing a final report with recommendations for change. A balance will be sought between a robust approach and the need to move forward with haste to reduce the number of workers being seriously injured or killed on the forest block. The final report and its recommendations will be made publicly available.

The recommendations from this Review will require collaborative work by government, industry and workers. The programme of work that results will need to make a real difference to health and safety on the forest block. This is critical. There will be no single recommendation that will make the necessary change, but instead a number of coordinated changes must be made to ensure forestry workers arrive home safely each and every day.

## **The Framework for Consulting on the Issues and Options**

### **Summary of the consultation document**

This document is a summary of the Independent Forestry Safety Review consultation document. It is consistent with the consultation document's structure and contents. The more detailed consultation document is available on the [www.ifsr.co.nz](http://www.ifsr.co.nz) website.

The consultation document's respective sections are abridged in a short paragraph or paragraphs. These summaries are followed by the consultation document's key question(s). This is then followed by the consultation document's options for change and related questions.

### **Submit online**

The consultation document and this summary provide a mechanism for the public to feed into the Review. This summary document is replicated online to enable submitters to answer the questions by making an online submission. You can make an online submission at:

[https://www.surveymonkey.com/s/Online\\_Submission](https://www.surveymonkey.com/s/Online_Submission)

### **Email us**

The Review Panel would prefer submissions using the online form. You can however write to the Review Panel to make a submission. If you choose to do so, it is important you send your submission via email and in Microsoft Word format (not PDF). You can email your submission to: [info@ifsr.co.nz](mailto:info@ifsr.co.nz).

### **Stakeholder meetings**

Along with the public consultation document, the Review Panel will also be holding targeted stakeholder meetings in key regions across New Zealand. They include:

- Balclutha on the Thursday 12 June
- Christchurch on Friday 13 June
- Rotorua on Wednesday 18 June
- Whangarei on Friday 20 June
- Gisborne on Monday 23 June
- Nelson on Wednesday 25 June.

Please go to the website ([www.ifsr.co.nz](http://www.ifsr.co.nz)) for more information on these meetings.

### **Please send us your submission no later than 12 noon, Friday 4 July 2014.**

The Review Panel would like to publish a list of submitters. If you do not want your name or your organisation published please tell us. We will not be publishing contact details. The Review Panel would also like to quote submissions but will do so without identifying the submitter, only the part of the sector they come from.

## Section One: The Regulatory Environment

The Review is happening at a time of broader legislative and regulatory change to health and safety. Proposed changes to the regulatory environment will be critical to improving the forestry sector’s health and safety record. The forestry sector may however face challenges understanding and implementing the new Health and Safety Reform Bill and regulations unless it engages fully in the reform process. The Review Panel believes it is also important for government to be able to access expert forestry knowledge in order to develop a modern and workable legislative and regulatory regime for the sector.

Historical under investment in the regulator is a matter of public record. The regulator is yet to develop a fully modern compliance strategy based on good research and information. This problem is evident in the quality of the forestry sector’s codes and guidance material. A number of specific issues have been identified with forestry information provided by the regulator. For example, there is no one-stop-shop or single authoritative voice for forestry stakeholders to go to on health and safety matters. The existing guidance material contains gaps, inconsistencies, or may not be entirely suitable for the intended audience.

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

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

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

### Options to address the issues

Options	Key questions
<p><u>Option 1: Engage the forestry sector in the regulatory reform process</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that MBIE should engage directly with the forestry sector in the development of the regulations to support the new legislation? Any further comment?</li> <li>2. 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?</li> </ol>



Options	Key questions
<p><u>Option 2: Forestry sector industry associations to encourage awareness of new legislation</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> <li>2. 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?</li> </ol>
<p><u>Option 3: Support for PCBUs to collaborate and co-operate successfully</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that guidance is needed before the new Health and Safety Reform Bill is enacted to support the forestry sector to implement and manage their health and safety responsibilities? Any further comment?</li> <li>2. Do you agree that MBIE and WorkSafe should lead the development of the package of materials supported by key industry stakeholders? Any further comment?</li> </ol>
<p><u>Option 4: Carry over the regulatory requirement to notify WorkSafe about logging operations</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that the regulatory obligation 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? Any further comment?</li> <li>2. 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?</li> </ol>

Options	Key questions
<p><u>Option 5: Require PCBUs to inform others when improvement notices have been issued</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> <li>2. Do you agree that the notification requirement should be in regulations or that the sector should develop a standard contract clause for voluntary use? Any further comment?</li> </ol>
<p><u>Option 6: Develop a forestry sector intervention strategy</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that WorkSafe should develop a forestry sector intervention strategy to target education, guidance and compliance and enforcement activities? Any further comment?</li> </ol>
<p><u>Option 7: Convene a forestry sector expert advisory group</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that WorkSafe should convene a forestry sector expert advisory group? Any further comment?</li> <li>2. What organisations do you think should be represented on a forestry sector expert advisory group? Any further comment?</li> </ol>
<p><u>Option 8: Invest in research and information about the forestry sector</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that WorkSafe should develop a research and evaluation plan for the forestry sector? Any further comment?</li> </ol>
<p><u>Option 9: Develop a comprehensive set of indicators for workplace assessments</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that a set of key indicators for inspectors to record and report on during workplace visits should be developed? Any further comment?</li> <li>2. Do you agree that the proposed expert advisory group should be involved in the development of the workplace inspection indicators? Any further comment?</li> <li>3. What do you think are the key indicators that should be assessed, recorded and reported on during workplace inspections?</li> </ol>

Options	Key questions
<p><u>Option 10: Develop enhanced procedures and protocols for investigations</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that an enhanced set of procedures and protocols for serious injury and fatality investigations should be developed? Any further comment?</li> <li>2. What do you think needs to be addressed in the procedures and protocols to ensure that investigations are robust and appropriate?</li> </ol>
<p><u>Option 11: Develop an online forestry sector information portal</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that WorkSafe should develop and maintain an information portal which includes all relevant health and safety legislative, regulatory, guidance and best practice material that will support the forestry sector? Any further comment?</li> <li>2. What information do you think could be included on the portal and would be useful for the forestry sector to have access to?</li> </ol>
<p><u>Option 12: Address the issues identified with the forestry ACoP</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that the forestry ACoP requires review?</li> <li>2. What needs to be included in the forestry ACoP that is not there now?</li> <li>3. What needs to be reviewed in the current forestry ACoP?</li> </ol>
<p><u>Option 13: Ensure forestry sector guidance and information is fit for its audience</u></p>	<ol style="list-style-type: none"> <li>1. 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?</li> <li>2. What type of health and safety materials do you think would be useful for: <ol style="list-style-type: none"> <li>a. contract harvesters?</li> <li>b. crew bosses?</li> <li>c. forestry workers?</li> </ol> </li> </ol>
<p><u>Option 14: Share information about forestry sector serious injuries and fatalities in a timely manner</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that information about incidents of serious injury and fatalities in the forestry sector needs to be disseminated in a timely way?</li> <li>2. Do you think that WorkSafe should produce and disseminate information?</li> </ol>

## Section Two: Training, Qualifications and Competence

There is a lack of mandatory training standards for clearly defined safety critical roles and tasks from forestry managers and supervisors through to workers. As a result the amount and quality of on-the-job and off-site training can widely vary. Some workers undergo comprehensive induction and ongoing training and supervision. However for many, on-the-job training is focused on getting someone to be able to do the job quickly, with safety as a secondary priority.

Safety leadership in the forestry sector needs to improve for positive change to occur. Training to improve the competencies of the workforce, while necessary, will not be sufficient to improve the sector’s safety record. Rather, systematic management training throughout the forestry sector supply change is required. Much of this training should be focused on how managers and crew bosses demonstrate personal commitment to health and safety.

There are multiple views amongst forestry managers and crew bosses about the overall worth of formal industry training. The current disconnect between the skills provided by the system of formal training and qualifications and what the forestry sector may in fact need is contributing to a lack of value placed on training by employers and workers alike. Rigid funding policy for forestry training may also contribute to workers not gaining the right skills at the right time. There are also doubts within the sector about the quality and rigour of final assessment processes for people who have undertaken formal industry training.

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

### Options to address the issues

Options	Key questions
<p><u>Option 15: Prescribe competency standards for safety critical roles and tasks</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that regulations should prescribe competency standards for safety-critical roles and tasks? Any further comment?</li> <li>2. How long do you think any transition period into a new regime should last?</li> <li>3. Do you believe that a re-certification process, say every three or five years, should be mandatory to ensure that skills are retained and updated?</li> <li>4. Do you agree the regulation should require a period of practical experience to demonstrate competency?</li> </ol>

Options	Key questions
<p><u>Option 16: Ensure that safety-critical training and development is paid work time</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that training and development for safety critical roles and tasks should be paid work time? Any further comment?</li> <li>2. Do you agree that forest owners and managers should take account of the cost of training in the rates that they pay contract harvesters and crews? Any further comment?</li> </ol>
<p><u>Option 17: Establish a new industry-led tripartite advisory board</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that new institutional and administrative arrangements are required to oversee forestry qualifications? Any further comment?</li> </ol>
<p><u>Option 18: Initiate a regulator-led curriculum and funding policy review</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that the curriculum and funding policy for forestry-sector training requires review and update? Any further comment?</li> <li>2. Who do you think should lead this work?</li> </ol>

### Section Three: Supply Chain and Safety Culture

There is a lack of detail about mandatory health and safety standards in contracts between forest owners, managers and contract harvesters. The variety of contract arrangements used in the forestry sector results in a variety of issues for health and safety. For example, the differing lengths of harvest contracts may influence business planning and the level of investment in people, plant and equipment.

Payment mechanisms between forest owner and contract harvesters may create production pressures to get the job done at the expense of safety. This may create a disincentive to stop work due to adverse conditions and/or pressure to get the job done quickly irrespective of safety issues.

The “can do” culture evident in the forestry sector needs to be changed to a “can do safely” culture. Workers undertake unsafe work in order to get the logs out and not let the crew down. Poor role models and a lack of leadership may be factors influencing poor practices. A concerted effort to develop a safety culture in harvesting crews needs tangible support across the supply chain from forest owners and forest managers through to crew bosses.

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

**Do you agree that the lack of safety culture is a factor that contributes to serious injuries and fatalities on the forest block?**

#### Options to address the issues

Options	Key questions
<p><u>Option 19: Map the supply chain to understand responsibility, risk and points of influence</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that FOA, FICA and FFA should initiate a project that, taking account of the new Bill, clearly details:               <ol style="list-style-type: none"> <li>a. the forestry sector supply chain so that the complexity is documented and understood?</li> <li>b. the health and safety risks, controls or mitigations at each level in the supply chain? Any further comment?</li> </ol> </li> </ol>

Options	Key questions
<p><u>Option 20: Develop a template contract with mandatory health and safety standards</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> <li>2. What do you think are critical health and safety factors that should be addressed in forestry-sector contracts to ensure mandatory standards are met?</li> </ol>
<p><u>Option 21: Adopt a pre-qualification approach to contracting across the forestry sector</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> </ol>
<p><u>Option 22: Set up an industry-wide certification scheme</u></p>	<ol style="list-style-type: none"> <li>1. Do you think the forestry sector needs a certification scheme? Any further comment?</li> <li>2. Do you think the scheme should be regulator-led or industry-led? Any further comment?</li> <li>3. Does the issue of those registering as a new company after injuries or fatalities need examining? Any further comment?</li> <li>4. If a certification scheme were to be adopted, which parts of the sector should be certified? Any further comment?</li> <li>5. What would make for an effective certification scheme?</li> </ol>
<p><u>Option 23: Set up a phone line to report poor health and safety practice</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree there should be a phone line to enable poor health and safety practices in the forestry sector to be anonymously reported? Any further comment?</li> <li>2. Who do you think would be best placed to manage any forestry sector phone line?</li> </ol>

Options	Key questions
<p><u>Option 24: Provide business support to contract harvesters to support safe work practices</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> <li>2. Who do you think should do this work to understand the business support needs of contract harvesters?</li> <li>3. 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?</li> <li>4. Do you agree that the proposed business support be made available before the new Bill is enacted as law? Any further comment?</li> </ol>
<p><u>Option 25: Evaluate safety-culture initiatives</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree with the proposal to carry out a stocktake and evaluation of the effectiveness of current safety-culture initiatives? Any further comment?</li> </ol>
<p><u>Option 26: Roll out successful safety-culture initiatives across New Zealand</u></p>	<ol style="list-style-type: none"> <li>1. Do agree that successful safety-culture initiatives should be rolled out across the forestry sector? Any further comment?</li> <li>2. Do you think ACC should fund culture initiatives through their injury prevention programme? If not, who should provide the funding?</li> </ol>
<p><u>Option 27: Identify and address contributing factors to safety culture</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> <li>2. Who do you think should lead the research programme on safety culture? Any further comment?</li> <li>3. What other approaches could government, industry and workers take to improve safety culture on the forest block?</li> </ol>



## Section Four: Worker Participation and Representation

There is a lack of an effective voice for forestry workers in health and safety matters. Forest worker participation and representation practices are generally ineffective and often absent. Until very recently there has been a lack of worker input at the sector level, for example, in developing standards and guidelines. There is a lack of awareness and motivation across to the sector to meaningfully engage with workers on health and safety issues. The use of unorganized, fixed-term and short-term labour also poses a challenge to developing effective worker participation and representation.

The Review Panel believes the intimate and/or family culture of many harvesting crews provides both opportunities and challenges to developing informal and formal mechanisms to foster good 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?**

### Options to address the issues

Options	Key questions
<p><u>Option 28: Develop a greater understanding of worker participation and representation</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that there is a need to better understand worker participation and representation in the forestry workforce and what works? Any further comment?</li> </ol>
<p><u>Option 29: Examine ways to encourage worker participation and representation across the sector</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that the forestry sector and CTU should examine ways to effectively implement worker participation and representation models across the sector? Any further comment?</li> <li>2. 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? Any further comment?</li> <li>3. What do you think is the best way to ensure that workers participate in government and industry-led initiatives to improve health and safety? Any further comment?</li> </ol>

## Section Five: Working Conditions

The Review Panel has found that employment agreements and contracts are unclear and sometimes absent. Clear terms and conditions of employment should exist to provide sufficient security and clarity for both parties. Many agreements and contracts provide no detail on a range of issues with the potential to impact on health and safety. These issues include: payment for travel time, stop-work provision due to adverse environmental conditions, break times and avenues for worker participation. There is also sometimes a lack of understanding of minimum working conditions and entitlements by both employers and workers. The Review Panel believes that the failure to uphold minimum employment standards is contributing to unsafe working conditions. There is also a lack of adequate provision of facilities on the forest block, despite long standing guidance on the topic being available.

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

### Options to address the issues

Options	Key questions
<p><u><i>Option 30: Improve employment agreements and contracts and ensure all forestry workers have them</i></u></p>	<ol style="list-style-type: none"> <li>1. Do you agree it is important that all forestry workers have an employment agreement or contract that meets minimum standards and entitlements? Any further comment?</li> <li>2. 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? Any further comment?</li> <li>3. What other ways can the sector ensure the widespread use of written agreements or contracts?</li> </ol>
<p><u><i>Option 31: Enforce minimum employment standards and conditions on the forest block</i></u></p>	<ol style="list-style-type: none"> <li>1. Do you agree the labour inspectorate should prioritise compliance and enforcement of minimum labour laws in the forestry sector? Any further comment?</li> <li>2. Do you think a greater enforcement of minimum employment standards has a positive knock-on effect for safety? Any further comment?</li> <li>3. Do you think a focus on employment standards would have unintended consequences for workers? If so, what might they be?</li> </ol>

Options	Key questions
<p><u>Option 32: Introduce mandatory standards for working conditions on the forest block</u></p>	<ol style="list-style-type: none"> <li>1. Are mandatory stop-work rules necessary for unsafe working conditions? Any further comment?</li> <li>2. Who do you think should be engaged in developing any stop-work rules? Any further comment?</li> <li>3. Do you think stop-work rules would have unintended and negative consequences for contract harvesters and crew? What might these be?</li> </ol>

## Section Six: Infrastructure on the Forest Block

Although the need for quality infrastructure is widely recognised, and is often in place, the Review Panel has heard that the quality and adequacy of such infrastructure is variable and not always up to the job. For example, the likelihood of accidents can increase when roads and bridges are not specifically designed for the heavy loads associated with forestry work. There is a lack of consistent regulatory oversight when major forestry infrastructure is designed and constructed. Resource management rules and requirements vary widely across the country and this variability works against good collaboration between environment and health and safety regulators.

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

### Options to address the issues

Options	Key questions
<p><u>Option 33: Set mandatory standards for key infrastructure on the forest block</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree on the need for mandatory standards for skid sites, roading and bridges on the forest block? Any further comment?</li> <li>2. Do you agree that the Forest Road Manual provides a good basis for work to set mandatory standards for forest block infrastructure? Any further comment?</li> </ol>
<p><u>Option 34: Set mandatory competency requirements for infrastructure designers and operators</u></p>	<ol style="list-style-type: none"> <li>1. Do you think there should be mandatory competency standards for the design and construction of skids sites, roads and bridges for forestry operations? Any further comment?</li> <li>2. 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 engineer? Any further comment?</li> <li>3. Do you think there should be mandatory competency standards for those operating and managing skids sites during harvesting? Any further comment?</li> </ol>
<p><u>Option 35: Restart work on the National Environment Standard for plantation forestry</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that health and safety benefits can be achieved from a NES for plantation forestry? Any further comment?</li> <li>2. What other mechanisms can be used to ensure consistent standards for infrastructure on the forest block?</li> </ol>

## Section Seven: Safe Systems of Work

Work on the forest block does not always focus on the need for positive identification of hazards and the location of workers at all times. Hazard mapping also appears variable and may not be adequate to address the range and dynamic nature of risks on the forest block. The Review Panel is concerned that insufficient hazard identification and planning may also extend to emergency response preparedness. Regular emergency response exercises, including training with emergency services, are required to ensure the time available to apply critical first aid and rescue a seriously injured worker is not squandered.

**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?**

### Options to address the issues

Options	Key questions
<p><u><i>Option 36: Improve safety-management systems for work on the forest block</i></u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that work needs to be done to improve safety management systems for work on the forest block? Any further comment?</li> <li>2. What do you think are the key components of pre-harvest hazard mapping? Any further comment?</li> <li>3. What do you think are the key components of daily hazard mapping? Any further comment?</li> <li>4. Do you think that daily hazard mapping and the improved management of dangerous trees will help reduce injuries and fatalities on the forest block? Any further comment?</li> <li>5. How do you think crews can be successfully encouraged to undertake effective daily hazard mapping?</li> </ol>

## Section Eight: Equipment including Personal Protective Equipment

The Review Panel is aware of sector concerns regarding the design, modification, maintenance and use of existing, new and modified machines, plant and equipment. There does not appear to be adequate approval and management systems for changing machines and technologies. This problem extends to the consistent development of standing operating procedures to support safe work practices where new and modified machines and equipment are introduced. The need for systematic and well-resourced maintenance programmes is also not consistently recognised across the sector.

It appears that many workers are paid an allowance for what constitutes the protective clothing and equipment necessary to keep them safe on the forest block. This is a breach of current health and safety legislation and is unsatisfactory as it increases the scope for equipment of varying quality to be used. There is also a temptation for workers to use their allowance for other living expenses and to compromise their safety by using inadequate or cheap gear, or to skimp on maintenance. There is also a lack of investment in research and development resulting in continued practical problems with personal protective equipment. There does not seem to be onus on the sector or regulators to keep pace with the latest technology developments and mandate them for use on the forest block.

**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?**

### Options to address the issues

Options	Key questions
<p><u>Option 37: Establish an industry work programme to support new technologies and maintenance of equipment</u></p>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> <li>2. What do you think are the key hazards that need to be addressed before new technologies are rolled out for use on the forest block? Any further comment?</li> <li>3. Do you agree that 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? Any further comment?</li> </ol>
<p><u>Option 38: Review the suitability of high visibility colours and design</u></p>	<ol style="list-style-type: none"> <li>1. Do you agree that high-visibility materials and design for safety garments needs review? Any further comment?</li> </ol>

Options	Key questions
<p><u>Option 39: Consider the merits of mandatory standards for emergency equipment</u></p>	<ol style="list-style-type: none"> <li>1. Do you think there is need for greater clarity about the emergency equipment needed on the forest block? Any further comment?</li> <li>2. Do you think mandatory standards for emergency equipment should be developed? Any further comment?</li> </ol>

## Section Nine: Managing Impairment

The job of the forestry worker is a physically and mentally demanding one. New Zealand research confirms that fatigue creates health and safety issues on the forest block. Near miss events are significantly more common amongst those workers reporting a high level of fatigue at work. Nutrition and hydration is also important to safe work practices in the forestry sector and the Review Panel has identified that more needs to be done to ensure adequate nutrition and hydration of forestry workers. Related to these issues is the need to take regular breaks throughout the day in order to ensure sufficient food and fluid intake.

Drugs and alcohol are a serious risk on the forest block. Anyone on the forest block impaired by drugs or alcohol is a risk to themselves and those around them. While this fact is not contentious, the sector's drug testing regime needs review. It does not appear to be sufficiently robust to tackle the problem consistently across all crews. There appears to remain opportunities for workers with drug issues to be employed on the forest block.

**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 on the forest block?**

### Options to address the issues

Options	Key questions
<u><i>Option 40: Introduce new injury-prevention initiatives for managing risk from impairment</i></u>	<ol style="list-style-type: none"> <li>1. 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? Any further comment?</li> </ol>
<u><i>Option 41: Introduce mandatory standards for managing the risk of impairment</i></u>	<ol style="list-style-type: none"> <li>1. Do you agree that mandatory standards are required for managing impairment on the forest block?</li> <li>2. What role should the regulator play in monitoring impairment in this workforce?</li> </ol>
<u><i>Option 42: Review the regulator's approach to the use of drugs and alcohol in high-risk sectors</i></u>	<ol style="list-style-type: none"> <li>1. Do you agree that it would be appropriate for WorkSafe to put in place a mandatory standard for drug testing on any site where there is a serious injury or fatality? Any further comment?</li> <li>2. 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? Any further comment?</li> </ol>
<u><i>Option 43: Review the Drug and Alcohol Code of Practice</i></u>	<ol style="list-style-type: none"> <li>1. Do you agree it is time to review the Drug and Alcohol CoP? Any further comment?</li> </ol>