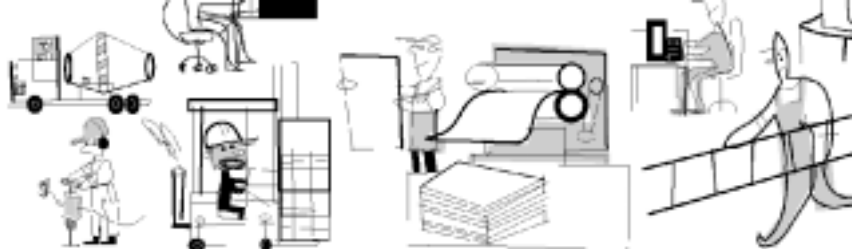




fact sheet



20 Dec 2002

Employee Participation Systems

Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

Employee participation

Employee participation is an important part of developing and implementing health and safety practices in a place of work.

Employers must provide reasonable opportunities for employees to participate in ongoing processes for the improvement of health and safety, and employees are expected to actively participate in health and safety matters. The systematisation of this participation is covered under the Act.

Employers, employees who wish to be involved, and unions representing them are required to co-operate in good faith and develop, agree, implement and maintain a participation system.

For more information, refer to **Factsheet - What is Employee Participation?**

FAQs

Below are the answers to some frequently asked questions, which illustrate how the Act applies to employee participation systems:

Q: When do we have to develop an employee participation system?

A: If an employer has fewer than 30 employees, and one or more of those employees requires the development of an employee participation system, then a system must be developed.

If an employer has 30 or more employees, an employee participation system must be developed.

The employer, employees who wish to be involved, and any unions representing the employees are required to co-operate in good faith to develop, agree, implement, and maintain a participation system.

Continued on next page

Employee Participation Systems, continued

Q: We already have employee involvement in health and safety at work. Do we have to start again with a new system?

A: No, not necessarily. If you already have an employee participation system and the employer, employees and their unions agree to keep it, then you may continue to use that system. There is no need to establish a new system if everyone in the workplace agrees to retain the existing one.

The only new requirement is that existing systems must include a process by which that system can be reviewed. The review process may be decided on by the parties, who should work together in good faith to reach a decision.

Q: What sort of thing does an employee participation system involve?

A: An employee participation system may include whatever the parties agree on, but the Act gives some examples of matters that could be included. These are:

- Electing health and safety representatives, and deciding whether they should act individually or as part of a health and safety committee;
- Developing processes for ensuring regular and co-operative interaction between employers and employees on health and safety issues.

A practical part of the system may be about employees' role in hazard identification.

A system may include increasing or decreasing the number of days' paid leave that an employer must allow a health and safety representative to take.

A system may allow for more than one health and safety representative or health and safety committee. Each representative or committee may represent a particular type of work, or place of work, of the employer.

For an agreed system there is no limit (or minimum) to the number of health and safety representatives that the parties can agree to.

Q: What if we can't agree on an employee participation system?

A: The Act sets out what to do if employers and employees cannot agree on an employee participation system within 6 months. Exactly what employers need to do depends on how many employees they have.

If an employer has fewer than 30 employees, the employees and any union representing them must hold an election for at least 1 health and safety representative.

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Employee Participation Systems, continued

If an employer has 30 or more employees, the employees and any union representing them must hold an election for at least one health and safety representative, or a maximum of 5 health and safety representatives, to be members of a health and safety committee. The employee health and safety representatives must comprise at least half the committee.

There are mandatory functions for health and safety representatives who are elected where the parties have not been able to agree on an employee participation system within 6 months. They are required to:

- Encourage positive health and safety practices in the workplace;
 - Identify and bring to the employer's attention hazards in the workplace and discuss with the employer ways that the hazards may be dealt with;
 - Consult with inspectors on health and safety issues;
 - Promote health and safety interests of employees, especially employees who have been harmed at work and who need assistance with rehabilitation and return to work;
 - Carry out any functions referred to in a code of practice.
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Q: Who is responsible for organising the election of a health and safety representative?

A: The employees and their representatives are responsible for organising the election, but they may require the employer to hold the election. If the employer is required to hold the election, he or she must hold it within two months of receiving notification.

Further information

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call Workinfo on 0800 20 90 20, or visit their website at: www.workinfo.govt.nz
