Leading Safety™

BeSafe Taranaki
**Leadership Engagement**

Due Diligence: Who, Why, and What Standard

- An officer is any person who is a director or who exercises significant influence over the management of the business (e.g., a chief executive) (s18)

- The due diligence duty is individual to the officer (s33(2),(3)) and not transferable (s31)

- If a business has a duty or an obligation under the HSWA, an officer must exercise due diligence to ensure that the business complies with that duty or obligation (s44(1))

- An officer must exercise the care, diligence, and skill that a reasonable officer would exercise in the same circumstances, taking into account the nature of the business and the position of the officer and the nature of their responsibilities (s44(2))

- An officer may be found guilty of an offence whether or not the business has been found guilty of an offence relating to the duty or obligation (s50)

What: Take Reasonable Steps To...

- Acquire and keep up-to-date knowledge of work health and safety matters

- Understand the nature of the business's operations and generally the hazards and risks associated with those operations

- Ensure the business has available for use, and uses, appropriate resources and processes to eliminate or minimise risks

- Ensure the business has appropriate processes to receive, consider, and respond in a timely way to information about incidents, hazards, and risks

- Ensure processes for complying with HSWA duties exist and are implemented

- Verify the provision and use of these resources and processes (s44(4))
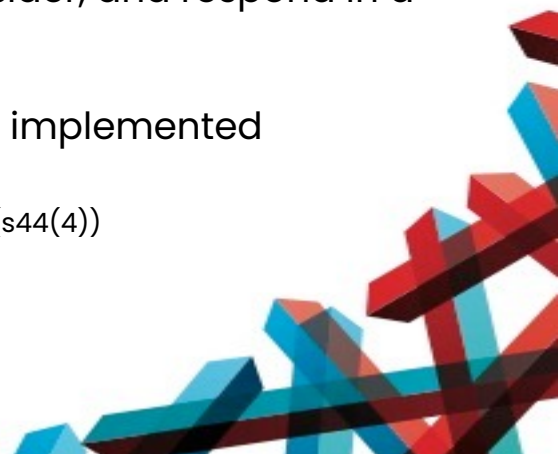
Reflections on Due Diligence Activities

- Where, when, etc.?

- Why?

- Who? Who else present?

- What?

- Questions asked?

- Key learnings and insights?

- Follow-up actions?

- What else does this relate to?

- What do other information sources suggest? How do they compare?

- Who else could I talk to about this?

- How confident am I about this?

- How will this inform my practice, views, and decision-making?

- Who else would benefit from knowing about this?
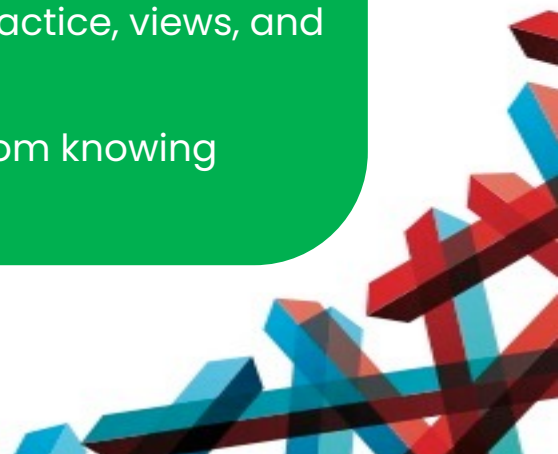
Takeaways From the Maritime NZ v Gibson Judgement

- An opportunity to reflect, review, and refocus… but there's no need to panic

- Context is everything: Dynamic, diverse, high-risk environments demand greater attention and focus… directed to the right things!

- You must understand work-as-done to adequately identify and address actual hazards and risks

- You cannot assume the business is complying with its duties in the absence of being told otherwise, or assume the information you receive is accurate and sufficient… you must personally satisfy yourself that this is so

- You must proactively monitor, verify, and interrogate the information you receive

- Put workers at the heart of everything you do
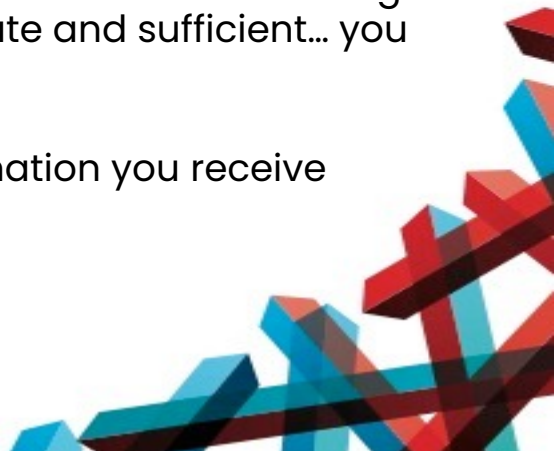
Designing Healthy Work

- Workers and other persons should be given the highest level of protection against harm to their health, safety, and welfare from hazards and risks arising from work [...] as is reasonably practicable (s3(2))

- Health means physical and mental health (s16)

- The quality of work and work environments can affect physical and mental health

- Psychosocial hazards refer to aspects of the design and management of work and its social and organisational context that may cause physical or mental harm

- Whether such a hazard constitutes a risk depends on the individual and the context

- Healthy work enables kaimahi to thrive, while unhealthy work can exact a heavy toll

Psychosocial risks for all New Zealand workers

WORKSAFE
Mahi Haumaru Aotearoa

Psychological harm[1]

The percentage of all workers that report experiencing the following in the last 12 months:

30%
any work-related mental health or wellbeing issues

31%
work-related anxiety

20%
work-related depression
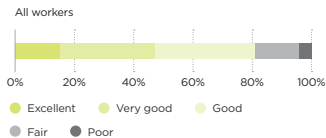
60%
work-related stress

11%
new mental health or wellbeing issues

Self-rated health[2]

Self-rated health is a key indicator for monitoring quality of life and population health.

80%
of workers rate their health as being 'good' or above

All workers

0% 20% 40% 60% 80% 100%

- Excellent
- Very good
- Good
- Fair
- Poor

Work-related suicide[3]

Work-related suicide research reviewed 1,678 coronial findings (from applicable cases) between 2017–2021.

246
of suicides met the criteria of 'potential work-related suicide'

197
of suicides met the criteria of an 'actual work-related suicide'

The psychosocial risks or work stressors common in the work-related suicide research are:

HOW WORK IS DESIGNED	SOCIAL FACTORS AT WORK	WORK ENVIRONMENT	WORK CONTEXT
– Job demands	– Bullying	– Work-related injury	– Performance management
– Work hours and schedule	– Interpersonal relationships		
– Workload and work pace			
– Job security			

Offensive behaviours[2]

Offensive behaviours can cause harm to the person they are directed at as well as people witnessing the behaviour. Repetitive or severe exposure can cause both physical and psychological harm.

35% of all workers report being exposed to at least one of the five offensive behaviours listed below in the last 12 months.

Percentage of all workers who were exposed at least once in the last 12 months:

23%
bullying

14%
threats of violence

16%
cyberbullying

11%
sexual harassment

11%
physical violence

Policies around bullying, harassment and violence[1]

43%
of all employers report they **do not have a policy** to support the management of incidences of bullying and harassment, including sexual harassment

47%
of all employers report they **do not have a policy** to guide their response to violent incidents, including threats of violence

Psychosocial risks[2]

The most common psychosocial risks across all workers are:

High work pace

High demands for hiding emotions

High quantitative demands

Protective factors[2]

Protective factors can mitigate the impact of risk factors and may enhance mental wellbeing. The most common protective factors across all workers are:

Security over working conditions

Sense of community at work

Role clarity

Meaning of work

1. WorkSafe *Workforce Segmentation and Insight surveys 2020, 2021 and 2023*.
2. WorkSafe (2022). *New Zealand Psychosocial Survey 2021*.
3. WorkSafe (2024). *Work-related suicide: Examining the role of work factors in suicide*.
4. WorkSafe (2023). *Mentally healthy work online form analysis: Review of concerns received from 26 April 2022 – 1 May 2023*.

Due Diligence Through a Psychosocial Lens

- Do you have up-to-date knowledge of matters related to mental wellbeing at work?

- Do you understand the psychosocial hazards and risks (and protective factors) associated with your organisation's operations?

- Do you ensure your organisation has, and uses, appropriate resources and processes to eliminate or minimise these psychosocial risks (and promote protective factors)?

- Do you ensure your organisation has appropriate processes to receive, consider, and respond in a timely way to information about work-related psychosocial issues?

- Do you ensure your organisation has, and implements, processes to comply with its obligation to prevent work-related mental harm?

- Do you verify the provision and use of these resources and processes?

Over To You...

- What are the real and relevant health and safety issues your organisation and people are facing?

- What challenges are you facing as an officer?

- Where do you get your health and safety support from?

- Are you utilising BeSafe effectively to support your health and safety leadership?

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