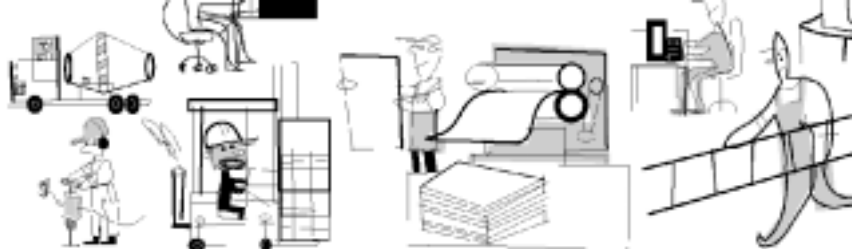




fact sheet



20 Dec 2002

What is Employee Participation?

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.

Involving employees in health and safety

Successful management of health and safety issues is best achieved through good-faith co-operation in the workplace. In particular, it is achieved through the input of those doing the work.

Employees often have relevant knowledge and expertise of health and safety issues that contribute to making the workplace safer.

When employers have to make decisions that affect the health and safety of employees at work, it can be useful to have information from employees who face these health and safety issues in practice.

FAQs

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

Q: As an employer, what are my general obligations toward employee participation?

A: Every employer must provide reasonable opportunities for their employees to participate effectively in ongoing processes for the improvement of health and safety in the workplace.

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What is Employee Participation? continued

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 to ensure that they remain up to date. The review process may be decided on by the parties, who should work together in good faith to reach a decision.

Q: What does 'reasonable opportunities' mean?

A: It means opportunities for employee participation that are reasonable in the circumstances, taking into consideration things such as:

- The number of employees that an employer has;
- The number of different places of work run by the employer and the distance between them;
- The likely potential sources or causes of harm in the workplace;
- The nature of the work and the way that it is arranged;
- The nature of the employment arrangement, including the extent and regularity of employment for seasonal or temporary employees.

In other words, 'reasonable opportunities' depend on the circumstances of the work, the workplace (or places), and existing work arrangements.

Q: What does 'ongoing processes for improvement' mean?

A: Among other things, it includes hazard identification and management systems, which employers must operate in all workplaces. It also includes the systems that employers must have in place for providing information to employees and health and safety representatives about health and safety issues.

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What is Employee Participation? continued

Q: Does the duty to involve employees in health and safety matters apply to all employers?

A: Yes. The general duty to provide reasonable opportunities for employees to participate effectively in ongoing processes for the improvement of health and safety in the workplace applies to all employers.

Note, however, that the obligation to develop an employee participation system and to allow training for health and safety representatives only applies in respect of employees who have worked for their employer for at least 180 hours over the previous 12-month period.

**Further
information**

For more information, refer to:

Factsheet - Employee Participation Systems

Factsheet - Health and Safety Representatives

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
