Changing Perceptions of Health and Safety in Agriculture:
Current farmer attitudes and frameworks for changing the culture

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Executive Summary

Health and Safety in New Zealand’s Agriculture sector is a hot topic both in the media and in farmer’s discussions. Due to high incidences of injury and deaths in agriculture, farmers are coming under increasing pressure to conform to current legislative standards; however there are multiple issues surrounding both the current and proposed legislation which have caused widespread confusion and frustration amongst farmers.

The aim of this project is to explore the factors affecting current attitudes in Agriculture towards Health and Safety, and seek to understand how change can be brought about. It is not intended to be for the purposes of statistical analysis of future research; rather, the intention is to provide the reader with some understanding of the motivations and thought processes of farmers in regards to health and safety, and explore methods of bringing about change. A review of the projects being currently undertaken by government body WorkSafe NZ provides some context, however it is not intended to be an in-depth review or critique.

Relevant literature was reviewed and ten interviews with farmers were conducted in order to gain comprehensive insight into their perceptions on health and safety. Attending a farmers meeting also provided opportunity for better understanding of farmer’s attitudes. An interview with The Minister for WorkSafe Michael Woodhouse allowed the author to gain further insight into the wider issues and the steps being taken by the government to make progress.

The main issues include farmers’ perceptions of what good health and safety practices look like, and the perceptions around the current and future health and safety legislation. Similarly, the nature of farming in New Zealand means farmers are naturally inclined to be resistant to many of the concepts being introduced by the government body WorkSafe NZ.

However there are some clear strategies that can be applied to agriculture to bring about change in attitudes and perceptions, and although WorkSafe have admitted to having some unforeseen setbacks in their campaigns, they appear to be largely on the right track toward tackling a complex issue.
Throughout these reports the findings were consistent. There is no single critical factor behind New Zealand’s poor performance in workplace health and safety. The issue is the result of widespread systemic failure in controls, process, management and culture. There is no single underlying factor or ‘Silver Bullet’ easy solution. In the agriculture and forestry sectors, the following issues and components have been identified in many of the reports:

- There is a high level of risk tolerance amongst those involved
- Inadequate leadership and poor worker engagement
- Inadequate and insufficient understanding of risks, hazards and responsibilities
- Confusing regulations and a weak regulator
- A lack of incentives (positive and negative) to foster behaviour and drive improvement
- Poor data and measurement due to underreporting of some incidents and near-misses

“People like to look for simple solutions for complex problems and that’s the trap ... if the answer was simply regulations then it would have been done (in NZ) by now” - BC Forest Safety Ombudsman
# Table of Contents

Executive Summary ............................................................................................................................................1  
Foreword ........................................................................................................................................................5  
Acknowledgements ............................................................................................................................................6  
Introduction........................................................................................................................................................7  
Literature Review ...............................................................................................................................................8  
  The Agriculture Industry in New Zealand ...................................................................................................... 8  
  The Current State of Fatalities and Injury in Agriculture.............................................................................. 9  
  Current framework for Health and Safety in New Zealand .......................................................................... 9  
  The Pike River Disaster and its Effect on the Health and Safety Landscape .............................................. 10  
  Summary of The Independent Taskforce on Workplace Health and Safety Report ................................... 11  
  Proposed New Legislation ........................................................................................................................... 12  
  Understanding Farmers Perceptions and Behaviours ................................................................................. 13  
  Recommendations from The Summary Report ........................................................................................... 15  
  Understanding factors that influence behaviour ........................................................................................ 15  
  Culture Change ............................................................................................................................................ 17  
  The Forestry sector at a glance ................................................................................................................... 18  
  Health and Safety Review of Forestry ......................................................................................................... 19  
  WorkSafe NZ’s Interventions and Outcomes in Response of the Report ................................................... 20  
  Summary ...................................................................................................................................................... 21  
Methodology ....................................................................................................................................................22  
Findings and Discussion....................................................................................................................................23  
  Current views on health and safety management ...................................................................................... 23  
  Perceptions on the upcoming health and safety changes .......................................................................... 24  
  Farmer’s opinion of WorkSafe NZ’s role in health and safety.................................................................... 25  
  Health and Safety Public Forum .................................................................................................................. 26  
  WorkSafe NZ’s Inception ............................................................................................................................. 27  
  Industry Collaboration .................................................................................................................................. 27  
  Industry Leadership ........................................................................................................................................ 27  
  Media Campaigns ....................................................................................................................................... 28  
  Creating a Positive Business Case .............................................................................................................. 29  
  Meeting Minister Woodhouse ..................................................................................................................... 30  
Summary and Conclusions ...............................................................................................................................31
Foreword

There were several motivators for me to undertake this project. As a herd-owning sharemilker we need to understand what the upcoming health and safety regulations will mean for us and the associated people. As a 'role of influence' of employer, convener and monitor farm in the wider community we feel that if we can not only lead by example but also communicate this in an everyday language, others will reduce their resistance and fear of this regulation and become more open to change within their farms. Secondly, my passion for all things agricultural and desire to understand the wider picture meant the big-picture aspect of this topic was also appealing. I truly believe agriculture in New Zealand is vital to both the identity and economy of New Zealand, and that seeking to improve aspects of it can only be viewed as a positive.
Acknowledgements

Firstly, I would like to acknowledge the financial support of the Agricultural Marketing and Research Development Trust (AGMARDT), without whom I would not have been able to undertake this project. Their support of the Agriculture sector is considerable, and is very much appreciated.

I would like to sincerely thank the farmers who allowed me into their homes and spoke openly and honestly with me about how they viewed things. It truly allowed me a privileged first-hand insight into how their thought processes worked.

I would also like to sincerely thank Minister Woodhouse, who not only spoke clearly and demonstrated an excellent understanding of the issues at the farmer’s meeting, but also allowed me to discuss the issues and plans surrounding health and safety with him in a private meeting. His time and support of this project is very much appreciated.

To WorkSafe NZ and Sue Walker, thank you for your assistance and providing some background and sources of information.

To my family and especially my wife Anna, thank you for your ongoing positive encouragement and support.

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Introduction

Health and Safety and how it relates and interacts with various forms of Agriculture in New Zealand has been a fairly topical item in the last few years. Indeed, Minister for Workplace Safety Michael Woodhouse describes the current health and safety legislation as a ‘bugger’s muddle’\(^1\), as it has caused considerable confusion and negative reactions from farmers over the years.

The aim of this project is to explore the factors affecting current attitudes in Agriculture towards Health and Safety, and seek to understand how change may be brought about. It is not intended to be for the purposes of statistical analysis of future research; rather, the intention is to provide the reader with some understanding of the motivations and thought processes of farmers in regards to health and safety, and explore methods of bringing about change. A review of the projects being currently undertaken by government body WorkSafe NZ provides some context, however it is not intended to be an in-depth review or critique.

It has become apparent that the nature of farming, where farmers are inherently ‘price-takers’, has contributed to the underlying issues in this debate. Because farmers by default rely on controlling costs to remain profitable, they almost automatically become resistant to compliance change because the implications are either direct or indirect financial costs and a further drain on time.

"The farmer is the only man in our economy who buys everything at retail, sells everything at wholesale, and pays the freight both ways." -John F. Kennedy

The trigger for this research topic came from two of the guest speakers during phase one of the Kelloggs programme. Firstly, a lawyer specialised in Health and Safety legislation (Summer Pringle) spoke about the regulatory requirements and penalties for farmers should something go wrong. What I found most interesting was my own response to her presentation, in that I became highly defensive, and felt anxiety and fear of what it meant for my farming business.

The next speaker (Michael Falconer) a health and safety consultant, talked about how health and safety is not about compliance; rather, it is about people and keeping them safe. This became a ‘lightbulb’ moment for me, which ultimately sparked further interest in this topic.

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Literature Review

This section examines some of the current research on several topics relevant to this project. It includes a summary of the agriculture industry in New Zealand, the current state of health and safety in the agriculture sector, the framework for the current health and safety legislation, and how the Pike River Mine disaster affected the health and safety landscape.

It also summarises a key report into workplace health and safety and the proposed legislation it suggests. An overview of farmer typology and effective methods for invoking culture change is included.

Finally, this section examines the forestry sector and the changes that it has undergone recently.

The Agriculture Industry in New Zealand

The agriculture industry in New Zealand is large, with nearly 15 million hectares of land being farmed by more than 60,000 entities. Approximately 128,000 people work in the agriculture sector, representing nearly 5.5% of New Zealand’s work force. Unlike many other parts of the world, multiple farm ownership accounts for less than 10%, and farms in New Zealand have traditionally been based around family owned and operated units (Department of Labour Health and Safety, 2012)².

The challenge also facing the agriculture sector in relation to health and safety is its’ broad definition. Agriculture has been defined as the farming of dairy, sheep, beef cattle, other livestock (including deer, pigs and poultry), crops (fruit, vegetables and grains), beekeeping, grape growing, and associated services (such as shearing and fencing). It does not include Forestry, which has its own action plan.

The Current State of Fatalities and Injury in Agriculture

The health and safety record in agriculture is cause for concern. The current statistics are sobering; between 2008 and 2013, there were an average of 17 farm fatalities per year, mostly caused by tractor and quad-bike accidents. This represented 40% of all workplace deaths in that period. In 2013, farm injuries put 13,654 people off work for more than a week, and 201 people off work for more than 3 months. This works out to one in five farm workers claiming for injury, with a total cost of $110,021,268 to ACC between 2008 and 2013 (The NZ Farmers Weekly, 2015). More recently according to WorkSafe NZ, in 2014 there have been:

- 288 serious harm notifications received by WorkSafe NZ (formerly the Health and Safety Group of the Ministry of Business, Innovation and Employment) and 21 workplace fatalities
- 19,115 injury claims received by ACC including 2007 claims for injuries that led to more than a week away from work.

Current framework for Health and Safety in New Zealand

As stated in the Workplace Health and Safety Culture Change Report (Martin Jenkins, 2013), New Zealand’s occupational health and safety regulatory framework is similar to many other countries in that it is currently broadly based on the 1974 “Roben’s Approach.” This model seeks to achieve a balance between State and self-regulation. An underlying assumption is that those who create or work with the risks to occupational health and safety are best placed to identify and manage the risks, and there needs to be a robust regulatory backstop. This approach has resulted in performance based legislation which imposes duties (particularly on employers but also employees), along with a regulator that sets, monitors and enforces standards and provides

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4 WorkSafe NZ NZ, Personal communication, April 2015


6 Lord Robens produced a major report into workplace health and safety in the UK that led to the development of the Health and Safety at Work Act 1974 and the formation of the Health and Safety Executive to administer it
guidance. Both duties and regulations describe the desired outcome, but do not provide details about how to achieve them.

The strength of performance-based regulatory frameworks is that they provide flexibility and thus accommodate new and innovative ways of achieving the regulatory objectives. The weakness of this approach is that it can create uncertainty in terms of what the employers, managers, employees and subcontractors each need to do to comply with the law and contribute to the desired outcomes.

The Pike River Disaster and its Effect on the Health and Safety Landscape

On 19 November 2010 an explosion at the Pike River coal mine resulted in the deaths of 29 men. From this tragedy the Government established the Royal Commission on the Pike River Coal Mine Tragedy (The Royal Commission) to report on what had happened and recommend changes to prevent similar tragedies occurring.

The Royal Commission made 16 recommendations in its final report in October 2012\(^7\). A number of these addressed the way New Zealand approaches workplace health and safety, while others related specifically to mining. The Government accepted all of the Royal Commission’s recommendations and committed to implementing them by the end of 2013. This included the establishment of a new Crown agent, WorkSafe New Zealand (WorkSafe NZ), in December 2013, and establishing a new regulatory regime for mining in New Zealand.

Following the Pike River tragedy, the Government also established the Independent Taskforce on Workplace Health and Safety\(^8\) (the Taskforce). The Taskforce was asked to research and evaluate New Zealand’s workplace health and safety system, and to recommend a package of measures that would achieve the Government’s target of a 25 per cent reduction of fatalities and serious injury by 2020.


Summary of The Independent Taskforce on Workplace Health and Safety Report

The Taskforce\(^9\) undertook a robust and extensive engagement process throughout New Zealand and presented its report to the Minister of Labour on 30 April 2013, listing 15 main recommendations and calling for “an urgent, sustainable step-change in harm prevention activity and a dramatic improvement in outcomes”.

The Taskforce categorised the 15 recommendations into three broad levers for the government to influence behaviour in workplaces in order to achieve change.

- **Accountability levers:** The Government can create accountabilities and set expectations through legislation, regulations or Approved Codes of Practice (ACoPs), empowering state agencies by providing them with the mandate and function to ensure compliance with legal requirements, and empowering individuals.

- **Motivating levers:** The Government can encourage behaviours. This involves providing positive incentives to encourage or reward desirable behaviours, and negative incentives to discourage or sanction undesirable behaviours.

- **Knowledge levers:** The Government can influence behaviours. This involves providing information to influence people’s choices about how they behave, and ensuring that people have the knowledge, capacity and capabilities to make decisions. It also involves ensuring there is adequate research and evaluation that reinforces system participants’ learning.

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Proposed New Legislation

In the Agriculture Sector Action Plan Report (2013)\textsuperscript{10} The Government acknowledged and accepted these recommendations from The Royal Commission and The Taskforce; new legislation is currently before select committee, and the intended timeframe for this to being passed into law is currently December 2015.

Some highlights of the new legislation include:

- A new Act based on the Australian Model law
- Clarifying duty holders and duties
- Covering alternative working relationships
- Positive duty on directors
- Will contain controls to manage hazardous substances in the workplace

These will provide appropriate regulations and guidance without being overly prescriptive by imposing duties on all Persons Conducting a Business or Undertaking (PCBU) throughout the supply chain, new responsibilities for officers and the expanded definition of workers to include both employees and contractors. These will help clarify health and safety obligations. The Reform Bill\textsuperscript{11} will require all businesses to understand and manage the underlying factors that create risks to safe workplaces and safe work as well as managing the obvious hazards.

An outline of The Reform Bill can be seen in a Diagram in Appendices A.

In summary, the bill proposes:

- Allocating duties to the person or entity best placed to control risks to Health and Safety i.e. PCBU
- Clarifying the PCBU’s duty of care with regards to health and safety at work.


• In situations where there may be multiple PCBU’s (e.g. multiple contractors), each PCBU has a duty to consult and co-operate with other PCBU’s to ensure all safety and health matters are managed.

• Allocating duties for upstream PCBU’s in the supply chain (e.g. suppliers of workplace plant/machinery)

• Defines a worker and the duties they owe and are owed.

• Emphasises the due diligence duty on officers of a PCBU (such as company directors) to engage in health and safety matters.

• Outlines circumstances in which volunteers do/do not become a PCBU

• Strengthens worker engagement and participation in health and safety matters

• Allows for a wider range of enforcement and education tools for inspectors, as well as increased penalties for contraventions.

• Supplies a framework for regulations, Approved Codes of Practice and guidance.

**Understanding Farmers Perceptions and Behaviours**

In 2009, the University of Otago’s Injury Prevention Research Unit released Effective Occupational Health Interventions in Agriculture Summary Report (The Summary Report), investigating injury and disease in the agriculture sector. This summary report was the culmination of four other reports on:

• An international literature review on occupational risks and exposures to injury and disease in agriculture

• An international literature review of primary interventions designed to reduce occupational injury and disease in agriculture

• A national computer assisted telephone survey of risk factors and exposures on farms was conducted. This surveyed over 650 respondents

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12 This is currently being discussed with the select committee, specifically the number of employees a business has before being required to have a worker health and safety representative; National government recommending 20, and Labour advocating for 10.

• Stakeholder perceptions and understandings of issues facing the sector. Over 45 Face-to-face in-depth interviews were conducted

Due to the scope of this report being about changing farmer perceptions, here I have focused on the findings of the latter two reports from The Summary Report.

Key findings from the interviews with farmers, farm workers and family members revealed that, somewhat unsurprisingly, there was an evident stoicism towards ill health and/or injury. Whilst there is no conclusive evidence from the study which explains the under-reporting and/or compensation claim rates amongst these participants; the face to face interviews with a sub-sample of farmers, farm workers and their family members suggest that underreporting and low compensation claim rates may well be a consequence of the evident negation and denial of ill-health amongst participants as well as a self-definition of serious injury as that that completely incapacitates a person (permanently). This was the case for both men and women; however amongst men there was a strong tendency to understate injury or harm and to dismiss any preoccupation with health as somehow unhealthy or a sign of a flawed or weak character.

Correspondingly, there was a strong identification to the work the farmers performed; most could not imagine not farming - it was not just a job. This important sense of identity led to an underlying belief that their body would heal itself if they just keep on going.

Most of the participants irrespective of injury history considered they had adequate safety equipment, training and support on their farm. The face to face interviews revealed that many did not wear protective measures because they found these inconvenient, uncomfortable or they were simply in a rush most of the time and didn’t think they had time to stop and apply or wear the protective gear. Similarly and perhaps unsurprisingly, economic barriers to the procurement and enforcement of safety equipment were often touted as well.

Interestingly, the researchers found that the attitudes of farmers, farm workers and family members towards government workers were considerably more empathetic than the experiences of many government employees may indicate, based on their interactions with members of the farming community. Amongst most farmers there was a resistance to the idea of enforcement or “regulation”. For most this was attributed to pragmatic reasons; and for a minority, because it was seen as unnecessary state interference.
Recommendations from The Summary Report

- There is acknowledgment of the need for agreed upon evidence based, effective solutions and strategies
- Targeted interventions on key causes of injury and poor health
- Multifaceted interventions to address the multitude of hazards faced in agriculture
- Consideration of the barriers to implementation
- Sustained long term support

Understanding factors that influence behaviour

An important part of changing a culture begins with understanding the target audience, and understanding the factors that may influence their behaviour. In the Workplace Health and Safety Culture Change Report this is demonstrated with the Roger’s Diffusion of Innovation theory\(^\text{14}\). By framing how different groups of people will be influenced by a new intervention and providing an understanding of why groups of people will be likely to make behaviour change or not, we can reasonably assess their responsiveness to change.

According to Roger’s Diffusion Theory, five key groups can be identified as:

1) **Innovators**

Eager for new experiences and willing to take risks, therefore the first to adopt. They are willing to experiment and are not invested in the status quo.

2) **Early Adopters**

Make rational, informed decisions based on evidence and the experiences of the innovators. Likely to be in actual or de facto leadership roles, early adopters are the opinion leaders, paving the way for further adopter groups.

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3) Fast Followers

Eager to comply and fit in. Based on contact with and the backing of early adopters, an innovation will hit a ‘tipping point’ within the fast followers, and the rate of adoption will rapidly increase.

4) Late Majority

More sceptical or cautious, therefore will adopt an innovation later than average. Non-compliance tends to be unconscious, meaning in order to comply they will need to be overtly told, led or shown the new practice or behaviour. They are less likely to have contact with earlier adopter groups, slowing up-take further.

5) Laggards

Take longer than average to pick up new innovations, and may deliberately not comply. They will often have a rationale for non-compliance, which could be based on misinformation, or the result of holding to traditional values. They may be comfortable with the status quo, suspicious of new ideas, and confident that they know what is best. They may also resent or resist authority. This group is not inclined to seek out new ideas or experiences and tends to interact with similar minded people.

A fundamental implication of diffusion theory is that culture change is the cumulative effect of the decisions taken by many people, and that each person’s decision to take up a new idea relies heavily on the previous decisions of those around them.

For a new behaviour or innovation to spread through the majority of society, typically smaller groups of innovators must have first been attracted to the change, and early adopters must have seen benefits from making the change and grasped it themselves.

If the behaviour change is taken-up and found to be beneficial by the innovators and early adopters then, given enough time, a tipping point should occur where the spread of culture occurs quickly and a substantial portion of society will make the behaviour change.

There has also been some similar research done recently (November 2014) conducted by Beef and Lamb as a part of the Red Meat Profit Partnership (RMPP)\(^\text{15}\). This research investigated farmer typology and its relation to practice change. Similar to Rodgers diffusion theory, sheep and beef farmers were categorised into five segments based on their motivators and attitudes to change.

\(^{15}\) Beef and Lamb & Red Meat Profit Partnership, Personal communication (2015)
Some of the most relevant information to be gleaned from the report in relation to this project are the methods of communication with regards to influence and implementation; the most preferred channel was directly from other farmers (80%), then spouse/other family (72%), Vets (70%) and Events with other farmers and experts (64 – 67%).

“Farmers are always looking over the fence at the next door neighbour and the people down the road. If it turns out to be a good idea they will do it. They have to be left to make up their own minds because they are stubborn and independent. You can’t tell them something they have to absorb it.” (Male farmer from PIOPIO, Quoted from RMPP report)

**Culture Change**

The Workplace Health and Safety Culture Change Report identified three important dimensions to the design of an overall programme to improve workplace health and safety that directly influences the approach to any culture change campaign.

1) **Sequence and order to have greatest impact**

   - Use a culture change campaign to lead the debate and create the environment for lifting regulatory standards or culture change campaign to help address the laggards who are not complying with the regulation in place.

2) **Aligning incentives and supporting the desired behaviour.**

   - Tackling any barriers and ensuring the wider economic context is consistent with actions being encouraged.

3) **Ensuring the appropriate roles and responsibilities are on the key players**

   - Key Players include: Owners, employers, managers, employees and subcontractors. Coordinating this with the relevant messages to change culture and behaviour.
The Forestry sector at a glance

In 2012 there was 1.7 million Ha of forested land in New Zealand, of which over 44,000Ha was harvested. Sixteen forest owners each hold net stocked forest areas in excess of 10,000 hectares and account for approximately 62 per cent of total plantation forest. In contrast, there are around 14,000 forest owners who hold less than 100 hectares each but who account for about 20 per cent of the total plantation area. The forestry sector in 2012 also employed 7,000 people directly as foresters or in logging and a further 10,500 in first stage processing.\(^\text{16}\)

Forestry was one of New Zealand’s most dangerous industries. On average each year around 230 forestry workers are severely injured and there are around four forestry deaths. In 2013, there were 10 deaths, which accounted for 20 per cent of workplace fatalities.\(^\text{17}\)

Active Accident Compensation Corporation (ACC) data shows that the cost of active claims for injuries and fatalities in forestry is 2.3 times higher than the average cost of workplace injuries. Active ACC claims for forestry in 2013 totalled 2,517 claims. They cost ACC more than $9.5M and contributed to over 50,000 days in lost time from injuries. The statistics show that serious injuries place added cost pressures on the industry as ACC naturally seeks to recover its claims costs.


Health and Safety Review of Forestry

In 2014 there was an Independent Forestry Safety Review; commissioned by the Forest Owners Association, the Forest Industry Contractors Association and Farm Forestry Association. This was then responded to by both WorkSafe NZ as well as The Government.¹⁸

Investigations into the sector revealed serious issues with health and safety systems, where top down monitoring was too focused on production checks rather than reviews of operating practices.

These reports also identified issues with:

- Complex contracting relationships, with little vertical or horizontal integration, along with short-term contracts make safety no one’s responsibility. The economic model creates tension between profit and worker safety and puts the greatest burden on workers rather the owners of the asset. Production targets combined with unexpected delays in harvesting compounded health and safety risks.
- Viewed as a whole, but with exceptions, safety was not high enough on this sector’s priority list. There was a systemic financial and operational under-investment in safety.
- Safe practice was therefore not implemented consistently, nor was “what safe looks like” entirely clear to many of those working in the sector. This contributed to unsafe behaviour.
- The impact of a poor safety culture was particularly high in forestry given the high reliance on individual judgement, which could be impaired by other contributing factors, such as fatigue, hard physical working conditions and the impact of variable environmental factors (terrain, weather, light levels etc).

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WorkSafe NZ’s Interventions and Outcomes in Response of the Report

WorkSafe NZ developed an intervention approach for the Forestry sector based in part from the Independent Review. It was based on the targeting of high-risk activities, a high engagement approach, shared analysis, shared responsibility and clear accountability.

Two key, specific hazardous areas were identified as requiring urgent focus: breaking out and felling. In the five years from July 2007 to June 2012, 35% of all forestry-related serious harm occurred during tree felling and 38% during breaking out.

Interestingly, there was a perceived openness in the Forestry sector to discussion;

“There is a willingness from the industry to get on board, they know what the issues are and want to get things right.”

- WorkSafe NZ Inspector

In the first five months of 2014 there was a marked decrease in serious harm notifications: there were 46 serious harm notifications, compared to 82 for the same period in 2013.

In fact, by year end of 2014 there had been no fatalities in the forestry sector – an outstanding result.

However although these figures are heading in the right direction, WorkSafe NZ continues to find very serious levels of non-compliance in the sector. It has been concluded that although things were on the right path, there was no firm evidence that the fundamental changes required of the sector have occurred in a sustainable way.
Summary

Throughout these reports the findings were consistent. There is no single critical factor behind New Zealand’s poor performance in workplace health and safety. The issue is the result of widespread systemic failure in controls, process, management and culture. There is no single underlying factor or ‘Silver Bullet’ easy solution. In the agriculture and forestry sectors, the following issues and components have been identified in many of the reports:

- There is a high level of risk tolerance amongst those involved
- Inadequate leadership and poor worker engagement
- Inadequate and insufficient understanding of risks, hazards and responsibilities
- Confusing regulations and a weak regulator
- A lack of incentives (positive and negative) to foster behaviour and drive improvement
- Poor data and measurement due to underreporting of some incidents and near-misses
Methodology

Interview questions were developed in order to gain up-to-date, practical, first-hand insight into Farmers views towards health and safety. A copy of the questions can be seen in Appendix B.

The selection of these farmers was deliberate, as a wide representation of businesses, business stages and structures were sought. The ten farmers interviewed included four sheep and/or beef farmers, five dairy farmers and one dairy farm consultant. In all cases the interviewees were the key decision makers in their businesses. These also represented a range of mixed enterprises and land classes, some having multiple employees/multiple farms. This included a mix of younger and older farmers.

The interviews were done face to face at each person’s home, to ensure the interviewees felt comfortable and that the maximum amount of available time was allowed. The interviews were also conducted on the basis of confidentiality and anonymity to ensure the most honest answers were extracted.

The interviewees were given a brief introduction into the project and where possible discussion was kept to the end of the questions in order to capture their perspective as accurately as possible.

The data from each interview was summarised and then analysed across the whole group to identify similarities, differences, and importantly, the underlying themes and attitudes towards health and safety. This allowed the author to develop a comprehensive understanding of how the farmers’ attitudes affected their behaviour towards both current health and safety legislation and proposed legislation.

While the farmer interviews are not statistically quantitative in nature when compared later on with the Public meeting held in Opiki (which had over 100 attendees as well as other media coverage), the findings do offer a current perspective in line with the literature.

The author also had the opportunity to meet with the Minister for WorkSafe NZ, Michael Woodhouse, to discuss the preliminary findings of the report and learn his perspective of solutions.
Findings and Discussion

Current views on health and safety management

The majority of farmers interviewed felt that “health and safety” encapsulated the concept of staying safe on farm and getting home each night. However two respondents felt strongly that it was purely a compliance-related concept, and that common sense should prevail. This was to become a common, recurring theme.

All of the farmers interviewed felt that whilst they may not have ‘formal’ Health and Safety practices or documentation, they informally incorporated safety themes in their day to day management. All perceived themselves to be successful at managing health and safety as none of them had had a serious harm incident or fatality occur under their management.

60% of the farmers interviewed had a Health and Safety Policy and/or manual which ranged between 3 months and four years old, however all farmers admitted it was not an ‘active’ document as such.

Half of the farmers interviewed felt that informing visitors and contractors of hazards on the farm was a logical part of being a responsible farmer. However some noted that it was because they couldn’t rely on other people’s common sense anymore. The other half felt that informing visitors and contractors of hazards was unnecessary. They felt that contractors especially should have knowledge of common hazards (such as animals, terrain, vehicles) on farms, and should be able to exercise their own risk assessment, given their professional nature, rather than relying on the farmer to oversee them.

These findings clearly highlight the disconnect between the perception the Agriculture Industry has of itself and what the literature and statistics are showing. Additionally, WorkSafe NZ inspections have indicated that farmers in New Zealand hold a compliance-focused mindset, rather than a proactive safety mindset. Critically, they also found that a larger than expected percentage of farmers were ignorant of current legislation.
When comparing between the agriculture sector and forestry however the largest difference is the attitude of many key players; those involved with forestry recognised they had a serious problem; those in agriculture, don’t.

Perceptions on the upcoming health and safety changes

After explaining the upcoming Person Conducting a Business or Undertaking (PCBU) changes and giving a relevant example of how it could affect farmers businesses, most farmers expressed extreme concern over the proposed introduction to legislation of PCBU’s, feeling that farmers could become criminally culpable due to someone else’s actions. One of the most common responses was: “So, if the contractor is working on the farm and jumps out of their vehicle wrong and breaks their leg – am I responsible?”

As a result, they felt that they would become more reluctant to engage contractors, staff, and more likely to face increased workload and insurance costs. Interestingly, one of the farmers felt certain that as long as they had a health and safety declaration signed that they would be absolved of any responsibility.

Following the description and discussion on PCBU’s, the farmers were asked to rate their perception of the risk to their business once the new legislation comes in.

Graph 1: Farmer’s perception of risk to their business under the proposed legislation.
The principle of the Roben’s approach and Australian Model Law is to create a less prescriptive environment and create a more performance based framework. The weakness identified in this approach is the uncertainty it creates. A sentiment the author often perceived from the farmers when interviewing on this section was uncertainty or ‘fear’; this sentiment is shown in the Graph 1 above.

**Farmer’s opinion of WorkSafe NZ’s role in health and safety**

The overall response to WorkSafe NZ’s role in awareness and safety was negative. The perception was that things were getting tougher and there was more enforcement and not enough education. The court case regarding the non-wearing of helmets as well as the primary focus of WorkSafe NZ inspectors on helmet use were used as repeated examples of enforcement. However, three of the respondents had had personal experience with a WorkSafe NZ visit in the late March early April period and all respondents felt their experience was ok but the emphasis was purely on the wearing of helmets.

Prior to this interview, eight of the ten farmers were completely unaware of upcoming changes to health and safety legislation. Of the two that did know, one felt that expectations had not been handled well and the other respondent felt that people were aware that changes are coming, but there was a lack of understanding and clarity about the implications of the changes.

In response to the discussion about upcoming changes to legislation, the majority of the respondents wanted better communication from WorkSafe NZ and more ‘presence’ as such; for example having a representative involved at field days, discussion groups, and other farming events. Many felt they needed smaller, simpler ‘bites’ of solution-focused information to help them better understand what they needed to do.
Health and Safety Public Forum

The author was also able to attend a public meeting in Opiki in mid-May with The Minister for WorkSafe NZ Michael Woodhouse. The meeting was organised by the MP for Rangitikei Ian McKelvie and had about 150 farmers in attendance. The Minister began with an outline of the sector and what outcomes were being sought. He then opened the floor up to the audience to respond. Several key messages came out to The Minister:

- There was a strong feeling for the use of common sense, and many times the question was raised as to why there couldn’t be an expectation on others to use it.
- The issue of Quad bikes and the need for helmets to be worn and why passengers could not be carried. Many argued that wearing helmets was going to have little bearing on fatality rates. It was also put forward that carrying passengers whilst against many off-shore manufactured bike recommendations; this was often the safer method of transporting some visitors (such as vets or consultants and bank managers) than providing a lesser or inexperienced person with their own bike and being told ‘follow me’.
- One of the final speakers from the audience Bryan Hocken clearly summed up as he strongly spoke of the ‘fear’ in the community from WorkSafe NZ’s current approach. Minister Woodhouse commented in his response that Brian’s words had made its impact on him as he observed the audience’s reaction as Brian spoke.

In summary, the responses provided by the respondents and the public meeting aligned with what both the literature and WorkSafe NZ found in regards to farmer attitudes. Not only were the farmers resistant to regulation, but they demonstrated almost a failure to understand the need for change and indicated a lack of knowledge about the current and proposed legislation. They pinpointed issues regarding clarity of information, and strongly felt the need for clear evidence-based, solutions-focused information and communication.
WorkSafe NZ’s Inception

WorkSafe NZ is a stand-alone agency that started operations on 16 December 2013 which has the mandate and the resources to play its critical role in looking to ensure workers in New Zealand come home healthy and safe every day. The Government has substantially increased the financial resources for the new crown agency by $27 million to $80 million. This enabled WorkSafe NZ’s inspectorate resource to be boosted to nearly 200 up from 115.

With Agriculture having a high incidence in regards to serious harm and loss of life, it has become a priority focus for WorkSafe NZ.

Industry Collaboration

As identified in the literature review, there is a strong requirement for a multifaceted approach that involves industry and everybody who participates in agriculture in every role.

As a result WorkSafe NZ launched the website SaferFarms.org.nz in early 2015, to be used as a comprehensive tool for farmers to create or update their farm health and safety policies and processes. This site has been developed in conjunction with many industry partners in order to make it as credible and comprehensive as possible. These partners include: Injury Prevention Research Unit, University of Otago, the Agriculture Health and Safety Council (including representatives from Federated Farmers, Beef and Lamb, Dairy NZ, Primary Industry Training Organisation, NZ Police, Farm Forestry Association, FarmSafe, and Rural Women New Zealand), Landcorp Ltd, and Fonterra New Zealand. Additionally the Industry bodies have also developed strategies and plans to communicate health and safety changes with farmers.

Industry Leadership

A great example of how the industry can show leadership in health and safety comes from the Forestry sector. This is illustrated by the organisations that sponsored the Independent Forestry Safety Review; the Forest Owners Association, the Forest Industry Contractors Association and Farm Forestry Association. In contrast, the reviews into safety in agriculture have been largely government initiated and funded.
Another example of this is the Forestry Owners Association Incident Reporting and Information System (IRIS). This is a web based platform that allows no-fault sharing of incidents, near misses and damage to property. By collecting and analysing this incident data the forestry industry is able to build a picture of the type, frequency and severity of incidents and identify the key contributing causes. This measurement and analysis has allowed targeted safety initiatives to be developed and their effectiveness monitored. The IRIS system also allows contributors to benchmark their health and safety performance against industry averages.

**Media Campaigns**

The Workplace Health and Safety Culture Change report feels that any campaign must work from where people are currently in their views and behaviours, and address the choices and decisions which need to change – it is not simply about making people feel bad about their actions, and should not be perceived as telling them what to do.

Using messages that focus on the possibility of positive change as opposed to using shock value to highlight the consequences of non-compliance may assist this. The authenticity of the message and the voices presenting them (i.e. using true stories told by real people who have engaged in activities that constitute poor practice and then made improvements) can add credibility and reinforce that positive change is possible.

WorkSafe NZ have started with such media and advertising campaigns which focus on the possibility of positive change, as well as publishing true stories told by real people around how poor practices can impact lives. The advertising comprises of a series of full-page ads, asking a thought-provoking question around how their everyday farming activities affect them in a health and safety sense (tiredness, exposure to chemicals etc). According to Chris Green, senior marketing advisor at WorkSafe NZ, “The ads do a great job of encouraging farmers to look at something they do everyday in a different light.”

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Creating a Positive Business Case

Another component of an effective culture change campaign is how to make good health and safety practice an attractive investment for businesses.

In the Workplace Health and Safety Culture Change report, they found that there was a perception among farmers that investing in workplace health and safety practices would reduce worker productivity and profitability. This could be challenged by a better appreciation of the costs of a workplace accident. For example, an employee who is unable to work due to injury will need replacing while they are out of action, which will require training new staff or will add strain to existing staff who must take on extra work. An accident or near miss is also likely to impact others in the workplace, creating a sense of unease. Such incidents lower productivity and employee satisfaction. This may require changing the incentives around health and safety – including the costs associated with good practice and the penalties attached to poor practice.

At present there seems to be no specific information regarding costs (unrelated to penalty costs) to individual businesses when a workplace accident occurs. If there were, and these direct costs were better communicated, farmers may better appreciate the issue and self-motivate to improve practices.

The regulatory and economic settings need to be consistent so that there is a positive business case for changing the particular culture or behaviour, and to remove the main barriers to a culture change campaign. At present, WorkSafe NZ appear to have not yet promoted how good health and safety can be an attractive investment for businesses or identified businesses in the sector that are successfully doing so. However, an incentive of a 10% discount on ACC levies is available to Farmers who prove they have robust systems in place.
Meeting Minister Woodhouse

Following on from the public meeting in Opiki, the Author had the opportunity to meet with Minister Woodhouse. In this meeting an overview of the project was presented; discussion then turned to how the public meeting went and what some of the key messages were (these have been outlined earlier in the discussion). Other areas that were covered off in the meeting were:

- WorkSafe NZ’s current approach to inspectorate visits with the focus on quad bike safety namely with enforcement of helmet wearing and passengers on quads. This then turned to agricultures perceptions of both WorkSafe NZ and the issue of health and safety. It was agreed that there is a negative opinion of both and that more work was needed to be more conciliatory and collaborative in order to lower the barriers. Minister Woodhouse also stated that he hoped for a neutral perception over time.
- The Author then presented some of the preliminary recommendations from the project; this then sparked a discussion as to who played what role in implementing these. The Minister felt strongly that although WorkSafe NZ has a mandate to improve the performance of health and safety, for truly effective change the agriculture industry is required to show strong leadership and ownership for long term success to occur.
Summary and Conclusions

Several extensive reports into understanding the issue from many perspectives have been examined, and first-hand interviews have been conducted. Comprehensive investigations into possible frameworks for culture change have been examined, and a brief overview of the changes in the Forestry sector have also been combined to enable this report to highlight some key points around changing farmer attitudes and culture towards health and safety. Overall however, the findings in this report highlight that the government, WorkSafe NZ and Industry are working positively to address the issues.

In summary:

- Current health and safety statistics are concerning, especially when the level of under-reporting is taken into account.
- Although numerous reports and investigations have been undertaken, no single critical factor into the alarming statistics has been identified, and it is agreed that it is a complex issue. Contributing to the complexity is the broad scope of ‘Agriculture’, as opposed to industries such as Forestry.
- The current legislation follows the ‘Roben’s Model’, which is outcome focused rather than prescriptive-focused. Although it allows for flexibility, it has inadvertently created much uncertainty.
- Targets for improvement in health and safety are in place. Proposed legislation is currently before select committee, and includes clarifications of duties, similar to the Australian model.
- Farmers as a group are found to be ‘stoic’ about illness and injuries. Their sense of identity is strongly linked to farming, and the price-taking nature of farming contributes to their resistance to regulation and enforcement.
- First-hand insights into Farmers attitudes confirm much of the research done into farmers; Farmers consistently over-estimate their ability to manage health and safety, and have a skewed perception of what good health and safety management looks like. Similarly, they are resistant to some concepts of accountability, and are therefore strongly resistant to some of the proposed legislation.
- Farmer perceptions of WorkSafe NZ are negative; it is perceived that too much emphasis is placed on helmet-wearing, which is not supported by evidence. They also seek clarification on what ‘Good’ health and safety looks like.
• When designing a programme to tackle health and safety issues, a multi-faceted approach including targeting culture change is required, and specifically targeting key groups/types of farmers is key to achieving this. Similarly, research has indicated preferred channels of communication for farmers.

• A culture change campaign should align incentives and support desired behavior, as well as allocating appropriate responsibilities, rather than just installing penalties.

• Forestry has been under intense scrutiny as a result of its poor health and safety history and appears to have vastly improved, despite it being early days. WorkSafe NZ have focused on two specific areas thus far, however it is acknowledged that there is a wider scope to the issue.

• Forestry shares some similarities with farming, especially in that the nature of both farming in forestry means a high reliance on individual judgement, which can easily be impaired by a variety of factors including fatigue, environmental aspects, and physical demands.

• However there are some differences to agriculture, including:
  - The scope of the Agriculture sector vs the scope of the forestry sector
  - The nature of the supply chain of each sector
  - A central recording system (IRIS) of injuries and near misses enabling all stakeholders to support each other
  - And most importantly, the attitudes: Those in Forestry understood they had a problem; those in Farming, do not.
Recommendations

1. Agriculture needs to have its own perceptions of itself challenged. Greater awareness of what is an accident or injury as well acceptance that as an industry it is not performing to its potential. (continuation / escalation of the current campaign)

2. Fundamentally farmers are seeking a clear message to them as opposed to at them. Many have a negative perception of a heavy-handed WorkSafe NZ due to the emphasis on helmet wearing. Recommendations surrounding this Farmer/WorkSafe NZ interface include:
   - Move away from the issue of helmet wearing as a primary focus
   - Approach farmers with a collaborative understanding/partnership focus. How are you keeping safe?

3. Clarity as to what good Health and Safety looks like would be beneficial; a suggestion is to have ‘monitor farms’ as a forum to discuss and showcase, perhaps targeting the “Innovators” and “early adopters” to showcase exceptional health and safety in action.

4. Can we step change farmers along the process? For example, as each farm gets a WorkSafe NZ visit, in six months’ time we expect to see ‘XYZ’ achieved as the next part of the process?

5. Although WorkSafe NZ is currently targeting farm inspections as a one-on-one interaction, attendance at discussion groups is another way to interact that can add value

6. Create an economic report into the viability of improved health and safety incentives (positive and negative) to foster behaviour and drive improvement

7. There is a need for further, specific research into practicable areas of improvement: throughout this report, both research and farmers through interviews have called for strong evidence-based research when designing ACoP’s.
8. In developing core regulations you need to involve industry otherwise there won’t be buy-in, especially if the regulations do not “harmonise” with the actual work being done in the Agriculture sector. Otherwise, one risks a ‘tick box’ mentality, and paper-based compliance only.

9. A no-fault knowledge sharing information system such as the forestry sectors IRIS urgently needs to be developed. This will need to be independently administered in order to create impartiality. In order to give such a programme credibility as well, it needs to be supported by a unified industry.

10. Although a safety focus is the most urgent and practicable aspect, there needs to be a lot more information communicated regarding slower, less apparent health issues related to working in agriculture.
References


New Zealand Forestry Owners Association (Retrieved April 2015), *Incident Reporting Information System (IRIS)* (Available at: [https://nzfoa-iris.com/](https://nzfoa-iris.com/))


Appendix A

HEALTH AND SAFETY REFORM BILL UPDATE

What The Bill Proposes

THE PCBU
It allocates duties to the person or entity in the best position to control risks to health and safety, as appropriate to their role in the workplace – the Person Conducting a Business or Undertaking (PCBU).

01

DUTY OF CARE
It talks about the PCBU's primary duty of care with regards to health and safety at work.

02

OVERLAPPING DUTIES
Where there are overlapping health and safety duties (such as multiple contractors on a building site), each PCBU has a duty to consult and co-operate with the other PCBUs to ensure health and safety matters are managed.

03

UPSTREAM DUTIES
It provides for health and safety duties for upstream PCBUs in the supply chain such as suppliers of workplace plant, substances and structures.

04

WORKERS & OTHERS
It defines a worker and the duties they owe and are owed, and the duty of others at a workplace.

05

DUE DILIGENCE DUTY
It places a due diligence duty on officers of a PCBU (such as company directors or partners) to actively engage in health and safety matters to ensure that the PCBU complies with its duties.

06

VOLUNTEERS
It applies to volunteers in certain circumstances.

07

WORKER ENGAGEMENT
It strengthens worker engagement and participation in health and safety matters.

08

ENFORCEMENT
It allows for a wider range of enforcement and education tools for inspectors and the regulator, and for increased penalties for contraventions.

09

REGULATIONS & GUIDANCE
It will be supported by a comprehensive framework of regulations, Approved Codes of Practice and guidance.

10

This update focuses on Point 10 and explains the new Regulations & Guidance in the bill.

Disclaimer: this document does not constitute formal guidance on the application of the Health and Safety at Work Bill. The Bill is still subject to the legislative process and accordingly may differ in content between now and its passage into law. This document is intended to be used for information purposes only, to enable readers to understand key concepts and provisions in the Bill, in its current form.
Appendix B

Cam Brown, Kelloggs Interview Questions

Please note that all answers will be kept confidential and anonymous. At the conclusion of this report all data will be deleted /destroyed

1. What does Health and Safety (H+S) mean to you?

2. How well do you think you have managed H+S on your farm in the past?

3. Do you have a H+S policy and manual?

   If yes, how current is it?

   Is it used?

   How often is the policy/manual updated?

4. Do you agree with the need to keep all people associated (including visitors and contractors) with your business up to date with the risks and hazards within your business?

   Why or Why Not?

Under the upcoming changes, there is increased scrutiny on the Person Conducting a Business or Undertaking (PCBU) and their primary duty of care. One function of this is that independent contractors when engaged within a business will come under the engaging businesses primary duty of care.
E.g. Kitchen Construction Limited (KCL) operates a small business which specialises in the building and renovation of kitchens. Simon is KCL’s sole director. KCL employs several full-time staff and regularly contracts Todd, a self-employed electrician, to undertake electrical work for KCL’s projects.

- KCL is a PCBU conducting the business of building and renovating kitchens
- KCL’s employees are workers of KCL
- Simon is an officer of KCL
- Todd is a PCBU, in his own right, conducting his electrician business
- When engaged by KCL to complete electrical work on KCL’s projects, Todd is a worker of KCL.

Alternatively I would explain this in the context of their operation engaging with a contractor if the example above was not understood.

5. What impact do you think this will have on you or your business?

6. On a scale of 1 (low) – 10 (high) how would you rate this as a risk?

7. How do you feel WorkSafe NZ is approaching their role in awareness and enforcement of H+S?

8. What would you recommend or suggest that can improve this?

9. How do you feel WorkSafe NZ is approaching their role in awareness of the upcoming changes to H+S?

10. What would you recommend or suggest that can improve this?