

PEOPLE AND PRODUCTION – REDUCING WORKPLACE INJURY AND DEATH ON FARMS

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Introduction

The need for change in workplace health and safety is clear. Too many New Zealanders die, are seriously injured or suffer ill-health while working. Lined up against comparable countries we're woeful. Our health and safety record is twice as bad as Australia and four times worse than the UK. This is not acceptable. There are too many husbands, fathers, sisters, daughters and members of the community that don't come home safely from work – almost one worker a week.

Following on from the Pike River disaster the Independent Taskforce on Workplace Health and Safety was established in June 2012 to investigate New Zealand's high rate of workplace deaths and injuries and recommend practical strategies for bringing them down.

The Task Force didn't pull its punches. Their report used such terms as "Appalling", "Unacceptable" and "Unsustainable" to describe the workplace health and safety landscape, and made a number of recommendations for significant changes.

The report emphasises that if we want to see a change in health and safety in New Zealand, we have to do something dramatically different. Doing more of the same isn't good enough.

"Working Safer" followed on from the Taskforce Report and outlines the changes that we will need to make across New Zealand workplaces in order to meet WorkSafe New Zealand's goal of reducing workplace injuries and deaths by at least 25% by 2020.

An important part of this package is the new legislation, but it's only one part of the wider package of reforms. The Task Force looked at similar types of legislation around the world and identified the Australian model law as being the most relevant and modern piece of

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Health and Safety legislation. That's why the Bill is likely to be based very closely on the Australian law.

Both the Taskforce Report and the "Working Safer" blueprint make it clear that our goal of major harm reduction cannot be met unless government, businesses and workers all come together to make it happen.

Everyone has a role in making our workplaces safer.

The big picture

On average, 75 people per year die on the job, 1 in 10 is harmed and 600-900 die from work-related diseases - all coming at a cost to our economy of \$3.5 billion per year.

And that's before you take into account the devastating emotional costs on the friends, family, loved ones and co-workers of those people hurt or killed on the job.

Pending new legislation

The new Health and Safety Reform Bill, governing workplace health and safety, is currently going through Parliament. The report back by the Transport and Industrial Relations Select Committee on the Health and Safety Reform Bill is scheduled for 24 July.

When the new Health and Safety at Work Act comes into force, it will replace the Health and Safety in Employment Act 1992 and the Machinery Act 1950. The new law will make it clear that those who create risk are responsible for managing it, either by eliminating or minimising it, so far as is reasonably practicable. In general, the new Act clarifies, rather than changes, current law.

Clarifying legal requirements

As at the end of May, 2015, the Health and Safety Reform Bill introduces the concept of a Person Conducting a Business or Undertaking, known as a PCBU. PCBUs are in the best position to control risks to work health and safety as they are the ones carrying out the business or undertaking. This is why the PCBU will have the primary duty under the new law.

Despite its name, a PCBU will usually be a business entity, such as a company, rather than an individual person. A person might be a PCBU if they are a sole trader or a self-employed person. PCBU is a broad concept that reflects modern working arrangements. The current Health and Safety in Employment Act 1992 primarily focuses on the employer and employee roles. It places duties on carefully defined participants - employers, principals, the self-employed, persons controlling a place of work, and suppliers of plant.

The PCBU concept replaces all of these duty holders. It better reflects the complex nature of the modern workplace where there can be multiple working arrangements for workers in the same location or for the same organisation. The PCBU concept recognises that a business or

undertaking has an influence over the health and safety of workers, even where those workers may not be its direct employees.

The question people should ask is not “Am I a duty holder?” but rather “I am a duty holder, what can I reasonably do to meet my duty?” All PCBUs have a primary duty of care to ensure the health and safety of workers and others affected by the work carried out by the PCBU.

The Health and Safety Reform Bill strengthens worker engagement and participation in work health and safety matters. The Bill sets out two overarching PCBU duties for involving workers in work health and safety. The PCBU must engage, so far as is reasonably practicable, with workers and have effective practices that allow workers who work for its business or undertaking to have an opportunity to participate in improving work health and safety on an ongoing basis.

The Bill continues the right for workers to refuse to do unsafe work, and expands protections for workers who raise workplace health and safety matters.

For PCBUs, engagement means talking and listening to your workers. It is particularly valuable at key times, like when identifying hazards and risks, making changes to work that affects health and safety, or developing worker participation practices. Sometimes engagement will be directly with the workers and sometimes with health and safety representatives. Worker participation practices are there to provide effective ways for workers to talk to the PCBU about health and safety matters, so that risks can be better managed.

The agricultural picture

No one can deny that New Zealand agriculture is among the world leaders in quality and production, as well as being resilient to constant change. But this success also comes at a terrible cost in lost lives and serious harm. More people are killed in agriculture than in any other work-related activity in New Zealand. In the last two years alone, there have been 41 work-related deaths on our farms.

People are not just dying, they are getting seriously hurt, affecting farmers and their families for life – in 2014, ACC accepted over 19,000 claims for workplace injury occurring on

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farms and orchards. Farmers, their families and farming communities are directly affected, and bear the emotional and financial cost of deaths and injuries on the farm.

Farm vehicles account for over half of all fatalities on farms. Vehicle rollovers are the most frequent cause of workplace fatalities - 60% of these involved a person in, or driving, a moving vehicle. Tractors and quad bikes together account for the majority of vehicle-related fatalities on farms - quad-bikes make up approximately 28% of the deaths.

Dairy

On the basis of severe harms from workplace injuries per 1000 workers, the dairy sector is the worst of all NZ employment sectors.

There were 126 workplace fatalities in agricultural workplaces over the 2008-2014 period. Over 50 of those occurred on dairy farms. Of the 49,581 claims to ACC for dairy farm workplace injuries during the 2008-2014 period, 7,084 were for a severe injury where the individual was off work for more than five working days. In real terms that's 19 people going to the doctor every day of the year for workplace injuries on dairy farms, and three of those (every day) having over five days off. Animals are the most frequent cause of harm in dairy - 10,662 claims were made between 2008-2014 with 9,427 of those caused by being hit or bitten by an animal. Injuries caused by interaction with animals more than doubles over the calving period. By February 2015 the total amount of weekly compensation paid out for claims in the dairy sector for the 2008-2014 period was \$61,139,697.06. So far, there have been 652,000 working days paid for.

The issues

It is very difficult to pinpoint underlying causes of the injury rates across agriculture. It appears to be a combination of a number of different factors.

Diversity of tasks

Farmers tend to undertake a wide variety of tasks and while skilled at many, are not up to date with safe practice in the way a person who concentrates on that one task would be. That these tasks are undertaken in a wide variety of environmental conditions exacerbates the risks involved.

Poor risk management

Farmers have a high acceptance of risk as 'part of the job', and have an attitude of 'getting on with the job'. In many instances where injury occurs, the person injured accepts the injury would not have happened if 'I had stepped back and thought it through'.

Poor knowledge of responsibilities

Farmers are often ignorant of their legal obligations. There is low understanding of the current law and the requirements that law imposes on business owners and workers.

Seeing health and safety as a compliance issue

Many farmers see health and safety as something they have to do, because it is required by the law. While this is true, a begrudging approach means that the concentration of effort is on meeting the compliance standards rather than on making the workplace safe.

Barriers

Making health and safety a part of running a business is not an onerous task. However, if a business owner perceives it as a workload beyond their capabilities, or believes that it will have an impact on their lifestyle and business success, they are highly unlikely to willingly start thinking about safety on farm, let alone implementing anything.

Unfortunately, there are some rural myths that are colouring farmers perceptions about health and safety which in turn is engendering reluctance to think about doing things differently. In some cases, there is a belief that the guidance provided is without evidence and an impediment to efficient farming.

Myth - This is all new and an extra demand as the result of the new law

The reality couldn't be further from the truth. The proposed new law is mostly clarification of the current Health and Safety in Employment Act of 1992. As the Pike River mine explosion, and the subsequent Taskforce report showed, many business owners do not know their responsibilities under the current law, so while it is new to some farmers, it has actually been a requirement since 1992.

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Myth - I face huge fines for every little thing that happens

Not true at all. There are two things to remember. First, farmers won't be held responsible for things they can't control. Second, if they have identified risks, put in place management strategies, and communicated these appropriately, it is unlikely they will be liable in the case of an injury incident.

Myth - Children will be banned from farms

Farms are unique, active workplaces and children are a vital component of farming family life and The law (and WorkSafe) has no interest in changing this. There is no intent to ban children from farms.

Under current workplace law, farmers are liable for children's safety on farms. The known risks on farms must be understood and managed by those who know their farm best – the farmer.

Farms come with big machines, big animals and big pressures. But these risks can be easily managed by, for example, fencing ponds, covering pits, creating "safe kid zones" in dairy sheds and having children ride in the cab, not the back of the ute, or on a trailer. This means farming parents can still keep their children safe during busy work times.

Children and their parents need to be aware of the risks farms present and work to manage those risks. The younger the child, the less risk averse they are, and the more attention needs to be paid by parents or carers.

Myth - Visitors on farms

Visitors on farms are people who come with implied or actual consent to a farm for no commercial or business purpose and who have not paid (directly or indirectly) to undertake an activity.

Making sure visitors are safe just needs to be practical and reasonable. Visitors do not have to be a paperwork nightmare. No lengthy form-filling is needed, nor is there any need to sign people on and off the farm. It is really a matter of identifying hazards and risks that wouldn't reasonably be expected in the areas visited and warning visitors about those risks and how to avoid them.

Farmers also need to make sure that all the people who are in the area (staff, contractors, other visitors / hunters) are aware of each other. It's also a good idea to get an idea of their timings - tell them they should let you know if these change.

Safer farms

WorkSafe has looked at the problem in agriculture and sat down with farmers, sector groups and other stakeholders to see how we could tackle the issue while ensuring we continue the success of our agriculture sector. The result is Safer Farms, a programme of activity being conducted in association with ACC. Safer Farms is designed to work with people who work in agriculture. It recognises that many people live and work in the same place, which poses special circumstances around risk management.

WorkSafe has a critical role in ensuring farmers understand their responsibilities. Safer Farms is about improving the awareness and approach to farm safety and developing practical health and safety tools for farmers.

Safer Farms will also take the health and safety message directly to rural communities:

- Safer Farms has a site at most of the larger field days – we have already attended field days in Northland and at Kirwee. Both proved to be popular choices for attendees where sites were manned by members of the Safer Farms team, as well as a roster of local inspectors. There was a steady stream of farmers wanting copies of the popular Safer Farms toolkit, or just to know when an inspector was going to pay them a visit. Attending field days is a priority for the team as face-to-face interaction with farmers often makes it easier for health and safety messages to be well-understood. We plan to attend both the National Fielddays and the National Horticulture Field Day in Hastings, as well as other localised events.
- We are working with Blue Light Ventures to create an activity book for school children aged between 5 and 12-years old. The pilot programme will be initially delivered to ten trial schools in Waikato and then potentially to students across the Waikato. The aim of this initiative is to change safety culture on farms by educating children how to stay safe on farms. Students will take the activity book home and they will complete it with their parents. Topics include the main hazards on farms, such as farm vehicles, chemicals and animals, and how to manage them. Books will include incentives like stickers and prizes for tasks completed correctly. Once a child has finished all the activities in the book their parent or caregiver will sign-off their work and present them with a certificate that says they now have an understanding of the hazards on farms.

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- We are working with DairyNZ to create an online game to get children to understand that preventing hazards on farms results in improved safety. The game is targeted at primary and intermediate school children, with a focus on 8-12-year-olds. Players will be able to identify farm hazards, understand the health consequences of the hazards and demonstrate actions to eliminate or isolate these hazards. The game will be available on the Rosie the Cow website, from the Apple AppStore or the Google Play Android store.
- We are working with leading rural retailers to deliver appropriate safety messages through their communication channels. This may take the form of information at point-of-sale, or may be as part of other activities, such as sponsored field days. You should start seeing the first parts of this activity in store by July.
- WorkSafe is sitting down with organisations who ‘go up the driveway’ to get practical health and safety information to farmers. Organisations such as Federated Farmers, Horticulture NZ, DairyNZ, FMG and OSPRI are actively passing on safety messages through their channels of communication.

While we are already working in close partnership with agriculture sector organisations, we will continue to engage so we find the best ways to interact with the sector. By working in this way we aim to identify where the gaps and shortcomings are in farm safety and help those who create and control the risk to sort things out.

While Safer Farms emphasises information, education and forming partnerships that will make a difference, when these approaches don’t produce safe on-farm behaviour, there will always be a requirement for enforcement. Our inspectors will continue to assess farms and to assist farmers in making those workplaces safer. Where farmers disregard their legal requirements there is an option for fines or prosecution through the courts.

Safer Farms will take time but it will ultimately help the agricultural sector implement lasting change so that they keep themselves, their workers and their families healthy and safe. Safety is not a voluntary issue – the impacts of failing to consider it can have devastating and long-lasting effects on our lives. Safer Farms considers real people and real lives.

The bottom line

Workplace legislation, both current and proposed, is the result of government consideration of incidents that have caused injury, and describes mechanisms that can be reasonably be expected to be put in place in workplaces to reduce injury.

WorkSafe is charged with bringing down injury rates across the total NZ workforce, and with the agricultural sector showing one of the highest injury and fatality rates, a specific programme, Safer Farms, has been introduced to work with the sector in reducing the toll.

Many farmers are not aware of their legal requirements, have misperceptions about how onerous implementing a sound safety regime is, and do not see any rationale for change. The Safer Farms programme is designed to assist in clarifying legal obligations and in providing easy to use information on developing and implementing safety practice on farm.

The end result is in everyone's interest. The lower the injury toll, the lower the distress and discomfort for individuals, families and communities, and the lower the costs for farms.

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