



Welcome to the August Train Brain

It's been a pretty miserable winter all round with many of us suffering from Covid, colds or flu, while endless storms and monsoon-level rainfall test our spirit and resolve.

Dr Mary Obele is among those at the coalface dealing with these pressures and her commentary in this edition about sharing the load is good advice to us all. Please read and absorb John's story.

Talking of pressures, I've sought reassurance on the reforms of vocational education. It's certainly not helpful to have the CEO of the new national polytech, Te Pūkenga on indefinite leave and the organisation's deficit having nearly doubled from the \$53.5 million budgeted.

I met with our Te Pūkenga representatives last week and was assured that learner numbers are up in 2022 and it is "business as usual" with the organisation and delivery of vocational training for the sector. I've also met with our contact at Hanga-Aro-Rau (our sector's Workforce Development Council) to discuss progress. We've been looking for progress on the long overdue review of qualifications for our sector. I'll soon be attending the first meeting of industry representatives with Hanga-Aro-Rau staff and I'll be looking for that progress.

In the interim, I'll hold judgement on the reforms of vocational education. I was initially doubtful these would work, then saw the potential benefits and got on board. We have to accept Covid's had its impacts on every organisation and that there is a pattern which sees lower student numbers in training when there is currently high labour demand.

The previous system of 16 polytechs, often competing with each other, needed reform; they were not delivering the skills our sector (and most others) required.

While the jury is out on whether these reforms will deliver, we are putting additional effort into the [RockUp](#) programme aimed at school leavers and have engaged with the Te Waharoa programme which is a partnership between Te Pūkenga and Tainui to provide work ready programmes for Waikato-Tainui. The first cohort of 12 is planned for early 2023.

Keep an eye out for a summary of some of the material I'm presenting at our MinEx workshops, the August series starting next week in Invercargill, Dunedin and Cromwell.

A summary of the WorkSafe presentation on the new quarrying and mining regulations reaffirms the message that you'll be given reasonable time to get up to speed in meeting the new reporting and other requirements.

We also have details of the new updated legislation for whistleblowers – perhaps if this was in place earlier, we might have avoided fatalities and serious injuries in workplaces.

Stay safe (and dry) till spring arrives.

Wayne

Kiwis too tolerant of risk

The Kiwi tolerance of workplace injuries has its comparisons with American tolerance for gun deaths.

That's how MinEx CEO Wayne Scott sees it.

As part of his 2022 regional workshops, Wayne has been looking at the trends in safety performance, drawing on his wide earlier experience working in Australia.

"If someone dies in a workplace in Australia, it's a big deal. In New Zealand, we move on quite quickly."

He exemplified the continuing rate of deaths amongst farmers using quad bikes despite their notorious safety record.

"We do have this perspective in New Zealand to think – 's###t happens' – and move on."

He says such attitudes were a bit like the United States where more than 45,000 died from gun deaths in 2020 alone and where guns outnumbered people.

"We have our own level of acceptance with accidents."

Further challenges would be created when the borders re-opened and people came in for whom English was a second language.

"Competence is going to be a big issue going forward."

Wayne says up to 700 Filipinos worked on the Transmission Gully project and they had tended to take instructions literally, which caused a number of incidents. The project's managers had to adopt a 'back to basics' approach to induction and training.

Comments were made by attendees at the Blenheim MinEx workshop about compliance at quarries by truck drivers where traffic management was sometimes diabolical.

Wayne doesn't think truck drivers are any worse on following safety procedures than any other group of workers – there are just a lot more of them.

He says Australian quarries were a bit more productive than in New Zealand and their safety record was better.

"Production and safety can work together but there comes a point in time where decisions have to be made."

This sees well-meaning people in organisations big and small taking decisions without always understanding the consequences.

"You need to consider the worst thing that could happen from a given set of circumstances."

"The whole concept is you assess the risk and put in place the most appropriate controls to ensure no-one gets hurt."

He gives these tips to help avoid incidents in any workplace:

- Spend more time in the field - inspect and supervise
- Check risk controls – are they effective?
- Identify critical controls – those controls that will stop people getting seriously hurt or killed
- Check your messaging – be clear on safe production messages
- Report all near misses and system failures
- Challenge everything particularly procedures

Wayne's remaining regional workshops for 2022 are in Invercargill on Monday August 8, followed by Tuesday 9 August in Dunedin and Thursday 11 August in Cromwell. There are September workshops in Paeroa, Rotorua and Whakatāne before concluding in Ashburton. Details [here](#).



Wayne Scott, CEO, MinEx

***It is a good idea to record your CPD
restricted and unrestricted hours
every time CPD is done.
It only takes a few minutes!***



Whistleblowing extends to health & safety concerns

MinEx is pleased to see that serious health & safety issues can now be directly reported by whistleblowers to external authorities.

CEO Wayne Scott says this comes about in a review of the Protected Disclosures (Protection of Whistleblowers Act) 2022 which replaces legislation introduced in 2000.

“The original act had some deficiencies which are now remedied, including clarification of ‘serious wrongdoing’ to allow serious health & safety issues and sexual harassment and bullying to be reported.”

Wayne says while sometimes it’s appropriate to report an issue in the first instance to your boss or more senior management in a company, this is not always the case.

Workers are now able to take their concerns to an ‘appropriate authority’ – an external organisation such as WorkSafe.

Various law firms are providing interpretations of the new act and advice about it.

Here’s a [useful summary](#) of the changes from the Hamilton law firm, DTI Lawyers.

Women excluded from jobs through unenforceable measures

The health of New Zealand extractive workers is not being helped by new unmeasurable worker exposure standards – and in fact one may penalise women, says MinEx CEO Wayne Scott.

In April, WorkSafe published new, lower WES (Worker Exposure Standards) and BEI (Biological Exposure Indices) which cover exposure to such things as lead, arsenic and silica.

A WES measures worker exposure to substances in a work environment; a BEI measures a substance or its metabolites in body fluids such as urine or blood.

A new Biological Agent Reference Value (BRV) for lead in the blood of females of reproductive capacity provides a near eight-fold reduction to the BEI measurement. Meanwhile, the BRV for any lead in the blood of other workers has been halved.

Wayne Scott says you’d think that lowering the threshold for exposure to any toxic substance can only benefit the health and safety of workers and women of child-bearing age deserve particular protection.

“Unfortunately, the new BRVs for women and other workers are not measurable at these

new low levels and were even difficult to measure at the prior existing levels. Moreover, the new standards are not enforceable, which renders them meaningless.”

He says good employers will take note of the new standards and because they are not measurable, may choose not to hire women of child-bearing age in roles where there may be any risk of potential exposure to lead, however remote.

“I believe this will have real impacts on the career prospects and pathways of women in the extractive sector, notably gold mining. There may also be consequences for women in some other sectors.”

Wayne says meanwhile the new BEI for arsenic is so low that half the population would not meet it as the body’s arsenic level in urine is affected by the consumption of seafood, and smoking.

MinEx, in concert with the unions represented on its Board, has several times suggested to WorkSafe that they form a tripartite working group to develop practical guidance for workplaces on reducing worker exposure that is both workable and enforceable.

Wayne Scott says to date, this has met with a deafening silence along with submissions to WorkSafe pointing out the impracticality and non-mandatory nature of its standards.

A recent letter on these issues has been sent by Wayne to Government Ministers and another to the National Council of Women.

New regs bring challenges and benefits



Photo: WorkSafe’s Dave Bellett at the Marlborough workshop on the new quarrying regulations.

A WorkSafe roadshow around the regions to outline the new quarrying regulations has seen acknowledgement that they will present some challenges to smaller operators – but also reassurances that there will be time to bed in new processes.

Working with IOQNZ branches, WorkSafe rolled out 10 workshops in June from Northland to Southland.

MinEx was in attendance at the Marlborough workshop run by Deputy Chief Inspector Dave Bellett who said ‘mum and dad’ type operations could be tested by the new regulations which progressively take effect from 18 July 2022 to 18 July 2025.

MBIE was due to have produced an annotated version of Part 1 of the new [Health and Safety at Work \(Mining Operations and Quarrying Operations\) Regulations](#) by the time the first changes took effect on July 18. Once again, it failed to meet this undertaking. MinEx CEO Wayne Scott has put together this version with track changes on to assist members to more easily identify the changes.

Dave Bellett told the meeting in Blenheim attended by 15 quarry representatives that WorkSafe will be proportionate in its requirements and timing demands so smaller sites have more time to get up to speed and face less demands of them than bigger operations.

"We genuinely want a system that works well at your site," he said.

"It will be a challenge for smaller operations. We'll strive for a soft hand in the early days," though failure to comply over time would see WorkSafe come in harder. However, he said: "I think the changes will be good for the quarry sector."

Quarries will be required to file quarterly reports and the data from 1,000 working quarries flowing into WorkSafe would then be able to be compared.

"You will be able to look at that data and benchmark your business against it."

The WorkSafe presentations started with a video which had some key quarry industry figures saying the new regulations were necessary and it was WorkSafe's job to help get them implemented.

Dave Bellett said the new regulations would make the industry a more credible place for the sons and daughters of current workers. He said that a systematic approach to health and safety is the hallmark of a successful business.

"You'll have plenty of time to get this right. We are definitely not taking a big stick approach in the first couple of years."

The first phase, which applies from July 18 2022, includes requirements to review current quarry health and safety systems, document shift reports and regular site and machinery checks, and provide incident notifications to WorkSafe.

Next July, the requirements for a documented Health & Safety Management Plan on each site goes live, with Principal Hazard Management Plans required for A Grade sites where multiple fatalities in a single event could occur.

A change to A and B Grade CoCs also comes in next July. B Grade CoCs will only be able to manage a site with four or fewer workers regardless of whether explosives are used or not. Sites with more than four workers (excluding the manager) will require an A Grade CoC. Workers are those associated with extraction and processing – not weighbridge operators, office staff or visiting truck drivers.

There is no longer a requirement for a quarry manager to be on site at all times, however, they must ensure adequate and active supervision by a competent person.

There are additional requirements around high hazard slopes and unstable ground.

"It's your responsibility to ensure the ground is stable where work is taking place," said Dave Bellett.

There were requirements for daily inspections on things like conveyors and weekly vehicle checks, all to be documented, along with shift reports which noted current conditions and risks.

The final phases of the new regulations will be in place in July 2025.



*If you know of anyone who would like to
receive the Train Brain
email office@minex.org.nz
and we'll help keep their training on
track*

Jodi Goodall Health, Safety & Environment Seminar 2022

Greymouth

Register your spot to learn from our guest speaker, Jodi Goodall. Her style energises leadership teams to create the positive organisational culture that drives best-in-class HSE performance.

3 hours unrestricted CPD
No cost to register

Wed 19 Oct 2022 | 8.30am – 12pm

Register [here](#)

www.minex.org.nz/training-and-cocs/workshops/



Health & Safety Update: Regional Workshops 2022



Each workshop gives a health & safety update to keep the extractives industry informed with health & safety issues and good practices. These workshops are packed with useful sessions for anyone in the mining and quarrying industry.

The workshop will run from 8am to 4pm, with morning tea and lunch provided. Each workshop has 8 hours of unrestricted CPD available and covers the following topics:

- Trends in Safety Performance
- Falls Hazards Chronic Unease
- Worker Health WorkSafe
- Inspectorate Update

Payment by credit card is required for registration. To view the full list of dates and to register head to our Training tab on the [MinEx website](#).

Here's an article from Dr Mary Obele



My friend John.

John usually uses short-term survival tactics in times of crisis and stressful

Don't give power to your own distress, or to other people's problems.

Reassure your workers about their jobs if

situations. He can pull an all-nighter, suck it up, and machine through a problem.

But Covid has dragged on and on and on. It's been a roller coaster. Nothing has prepared John for this level of uncertainty.

There are multiple unknowns, and the old rule books don't work.

John has had a gutsful. He feels alone and overwhelmed.

He's running on fumes or adrenaline.

He's juggling lots of balls in the air.

He's constantly "on". He checks his emails on the loo, and his phone at the lights.

When he hears people say, "This is the New Normal", he panics they could be right.

He may hit the wall. He may be heading for a complete breakdown.

John copes by procrastinating (I'll do that later), avoiding (I can't do this right now), fustigating^[1] (just say no all the time) or just plain tossing a coin.

When divers do rescues, their rule is, 1/3 of the air for going down, 1/3 of the air for coming up, and come back with 1/3 in reserve.

But John's reserves are depleted.

John has made too many complex decisions and he's tired. It's all too much, too fast, or not enough.

What can John do?

John needs to accept that life is different now. Life is tough, that's a fact.

It is what it is.

That means, accepting he won't finish everything on his to-do list today. Maybe even throwing away his to-do list.

That doesn't mean giving up. It means doing things differently.

How can John motivate his team who are tired, overloaded and drained?

Get the team together. Demonstrate compassion.

Acknowledge the challenges.

Create a safe space so that people can tell you how they are struggling and feeling emotional. Acknowledge their distress but don't wear it – help them make sense of what's happening.

you can.

Ask for ideas to make things better. Get creative. Challenge the status quo. Challenge your processes.

Maybe John needs to set time aside for the hard stuff – he's best in the mornings, so he should refuse to make big decisions after 3pm.

John needs to start expecting less of himself and replenish himself more. Get off his bum. Turn off the phone. Good food, good sleep, less drugs, less smoking, less alcohol, more exercise. More fun.

John is quite competitive. He's used to being the best, getting the best deals, doing the most miles.

He doesn't need to outperform his goals; he needs new goal posts. He can delegate some of the work to his team and review his priorities. John needs energy and skills to get to the finish line.

John can think about how he can reinvigorate his passion and enthusiasm.

Take time out for himself – go for a walk in the bush or the beach, connect with people who love him, get off toxic social media, get some exercise, break the cycle of misery.

John, mate, people never forget how they were treated in a time of loss.

By being a compassionate leader, you can create resilience in your workforce and truly promote health and safety. Chin up and keep going.



^[1] As far as I know, fustigating is not a real word.

Remember to keep all evidence of CPD activities to provide when you apply for your CoC



IOQNZ Webinars/Courses



The next upcoming IOQ NZ webinar is **Improving Your Problem-Solving Skills** held on 31 August 2022.

See more information [here](#).

To register : <https://ioqnz.co.nz/shop/product-category/webinars-courses/>.

For more information email loq@xtra.co.nz.

Tai Poutini Courses



Tai Poutini Polytechnic are currently running A & B Grade Quarry courses in Greymouth, Christchurch, Gore and Palmerston North.

To view available courses please go to <https://tpp.ac.nz/study-options/civil-and-mining/quarryandmining/>, or contact Nicole Scalmer on 03 769 9645 or nicoles@tpp.ac.nz.

Target Training and Apprenticeship Fund (TTAF) for free training in critical industries like construction, agriculture, community support, manufacturing and more – **until the end of 2022**.

Students may be eligible for free fees, see more information [Here](#).

MITO Courses



Visit the [MITO website](#) for details on qualifications and courses you can do through MITO.
Contact MITO on 0800 88 21 21 to enrol.

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