

November 2024

How we regulate

This policy's purpose

This policy sets out how we regulate the work health and safety system and the energy safety system – our health and safety system. The policy includes:

- our regulatory approach
- what people can expect from us as a regulator.

How We Regulate is our primary policy. It provides the foundation for all our other policies.

Our regulatory approach

We operate under a mixed model approach aligned to a really responsive risk-based framework.

A mixed model approach means using the best intervention or regulatory strategy to manage a risk or make the most of an opportunity.

Applying really responsive risk-based regulation means we are responsive to the system in which we operate, and we focus primarily on risk within our health and safety system.

Being really responsive means when we plan interventions, we consider:

- our regulated community's behaviours and attitudes toward health and safety
- our constraints as a regulator
- how well we're managing our regulatory risks
- how our health and safety system is changing over time.

We use risk-based analysis to assess our health and safety system's performance, identify and prioritise risks, allocate resources, and make effective decisions.

What we mean by risk

When we talk about risk, we mean either:

- Regulatory risk

When we talk about 'regulatory risk' we mean the risk of us not achieving our objectives, which are set in legislation. This may happen if, for example:

- we make the wrong decision about when or how to intervene
- our regulatory framework and tools are not fit for purpose
- we don't oversee our permitting activities effectively, or
- we don't respond appropriately to changes in legislation.

Where significant, this may lead to regulatory failure and a loss of social licence to operate.

or

- Work health and safety and energy safety risks

These are risks to workers and others arising from the way work is carried out, and risks to the safe supply and use of electricity and gas.

Our regulatory approach helps us balance our resources between the two types of risk. Maintaining the balance is an ongoing task because when the risk landscape changes, we may need to change what we do and how we do it.

Although we see the two types of risk as distinct, we acknowledge there is a strong relationship between them. For example, if we mismanage work health and safety and energy safety risk at a system level this will create regulatory risk for us.

How we implement our regulatory approach

Our enterprise target operating model (eTOM) describes how we implement our regulatory approach. It's attached in the appendix. We align all our policies, interventions, and activities to our eTOM.

We put harm prevention at the heart of what we do in three ways.

1 We focus on:

Seeing the big picture

- We acknowledge it's not possible to eliminate all risk.
- We pursue the highest level of protection reasonable for workers and other people affected by risks arising from the way work is carried out.

Focusing on the value we add

- We act where we think we're uniquely placed to make a significant difference to how work health and safety and energy safety risks are managed.
- We're clear about what we will and won't do, and why.

Building health and safety capability

- We encourage everyone who can help prevent harm to play their part and build their risk management capability.
- We support workers to be represented, engaged, and to participate.

Striving for excellence

- We keep an eye to the future to identify emerging risks in our health and safety system.
- We improve and adapt as our focus and strategic direction change.

2 We make positive change happen by:

Being a behaviour change agent

- We encourage people to see a role for themselves in improving health and safety.
- We understand the most effective ways to influence people, businesses and services, and sectors.

Working with and through others

- We work with other agencies, our social partners, iwi, and sector and industry bodies to achieve our regulatory objectives.
- We identify who has a role to play, how they can help us influence change, and ask them to get involved.

Strengthening our health and safety system's integrity

- We monitor and assess our system's performance to see what needs to change and support that change.
- We advise on whether our legislation is fit for purpose and update our policies regularly.

Being an effective regulator

- We acknowledge that our role as a regulator shapes everything we do, including our decisions and our interactions with others.
- We have a regulatory approach that's right for Aotearoa and allows us to adapt and evolve as needed.

3 We work effectively by:

Choosing the most effective interventions

- We're deliberate in choosing when and how we intervene.
- We use the right mix of interventions to get the outcome we want.
- We know when interventions aren't having the right impact and we either stop, slow down, or change our approach.

Making choices based on insights

- We share an understanding of the data we collect, why we collect it, how the data flows, and how it affects our work.
- We have the knowledge and insights we need to identify patterns of risk and harm.
- We use the right information for the right reason.
- We use our knowledge and insights to target resources where we can help make the greatest difference to how work health and safety and energy safety risks are managed.

Listening and telling our story

- We're confident talking about the decisions we make and how we choose to use our finite resources.
- We listen to our stakeholders' views and seek out their feedback.
- We share what we know to support everyone in our health and safety system to play their part in managing risk and preventing harm.

Measuring what we do

- We have evidence of the impact we're making on managing risk effectively and preventing harm.
- We prioritise measuring and evaluating our performance.
- We identify the changes we need to make in how we work so we can keep helping to improve work health and safety and energy safety.

Partnering across Aotearoa

- We know the practical ways our jobs contribute to WorkSafe's public service and Te Tiriti o Waitangi obligations.
- We're committed to improving our understanding of te ao Māori and te reo Māori.
- We act with integrity and in the spirit of service to the community as an agency and as individuals.
- We own our mistakes and put them right.

Being set up for success

- We work as one coordinated WorkSafe.
- We plan, prioritise, and make decisions with deliberate intent, and use integrated processes across groups.
- We're empowered and supported - WorkSafe is a place where people want to work, and feel safe and valued.
- We're continually learning and developing the capability we need to achieve our regulatory objectives.

Appendix: How we implement our regulatory approach

