

Consultation

PRINCIPLES FOR WRITTEN CONSULTATIONS

October 2018

CONTENTS

Introduction	1
Background	2
Policy purpose	2
Policy scope	2
Objectives of consultation	3
Principles of consultation	3
Planning your consultation	4
Other relevant documents	4
Review and publication of this policy	4

table

1 Principles of consultation	3
------------------------------	---

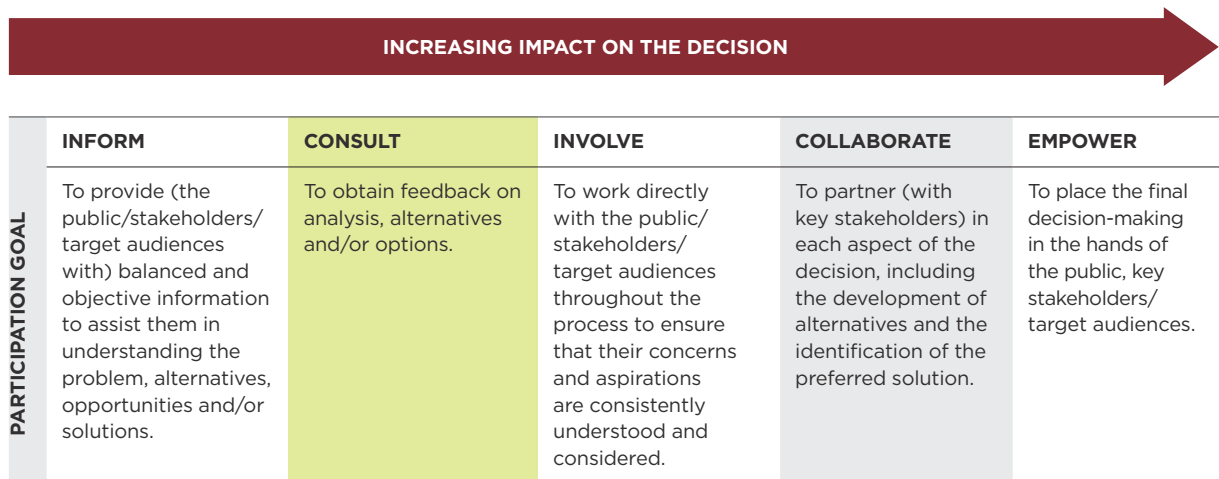
figure

1 International Association for Public Participation (IAP2) spectrum of public participation	1
--	---

This Consultation Policy (the Policy) sets out the principles of WorkSafe New Zealand (WorkSafe) in relation to written consultation.

Introduction

WorkSafe is developing a broader stakeholder engagement framework. This framework will outline WorkSafe’s wider range of topics, issues and projects, based across a spectrum of engagement activities and approaches similar to that articulated by the the International Association for Public Participation (IAP2). It is anticipated that this Policy will later be revisited as part of this framework.



Source: International Association for Public Participation. URL: www.iap2.org

FIGURE 1: International Association for Public Participation (IAP2) spectrum of public participation

Background

WorkSafe was established as a Crown entity under the WorkSafe New Zealand Act 2013 and is New Zealand's primary health and safety regulator. WorkSafe's primary objective is to promote and contribute to a balanced framework for securing the health and safety of workers and workplaces.

WorkSafe regularly engages with a range of stakeholders to carry out its wide reaching functions. There are particular mutual obligations between WorkSafe and our social partners. Effective consultation enables us to better serve our stakeholders by ensuring participation in our range of regulatory intervention products, and to help us better understand and meet the needs of end users.

Policy purpose

This Policy is intended for internal operational use. It outlines WorkSafe's approach to written consultation.

It provides principles to guide WorkSafe staff on how to develop fit for purpose consultation approaches.

There is also separate Consultation Process Guidance (the Guidance) which includes timelines for consultation.

Legislative precedence

Where legislation specifies the way consultation shall be undertaken we will follow the statutory process and guidance set out in the [cabinet manual](#)

Policy scope

In scope

This Policy covers written consultation carried out by WorkSafe. We define this as where we seek feedback in the form of analysis, alternatives and/or options on our products. Our regulatory products include:

- Guidance and education products such as Approved Codes of Practice (ACOPs), and Energy Safety information, for example, Energy Safety alerts.
- Regulatory instruments like Safe Work Instruments (SWIs) and gazette notice requirements.

For products where statutory consultation is required, this is done according to process provided in the Guidance.

This document covers the following:

- principles that describe good consultation
- high level guidance on how to consult.

Out of scope

This document does not cover the following:

- Engagement and consultation on WorkSafe strategies, harm reduction programmes of work and initiatives.
- Informal, ad-hoc contact with stakeholders (including social partners) such as informal phone calls.
- Day-to-day engagement by WorkSafe staff within direct reporting lines and between peers.
- Budgets, funding and the resourcing of consultations.
- Operational procedures and processes for undertaking consultation.

Objectives of consultation

WorkSafe undertakes consultation to:

- Gain effective and efficient feedback at various stages of development to help WorkSafe develop fit for purpose and better products, policies and guidance.
- Build our understanding of ‘what works’ for different audiences in a range of situations.
- Build and maintain productive relationships with stakeholders.
- Share the development process of products, policies and guidance with our partners and stakeholders.
- Understand any potential barriers to successful implementation.
- Open up communication channels ahead of implementation.
- Meet its own responsibilities, including WorkSafe’s mandatory consultation requirements.

Principles of consultation

In making decisions about who to consult with, when and how, we will be guided by the following principles:

PRINCIPLE	HOW WE WILL DO THIS
Consulting where appropriate	<ul style="list-style-type: none"> - We will assess the consultation topic in relation to this policy. - We will decide whether we need to consult in this situation.
Meeting mandatory consultation requirements	<ul style="list-style-type: none"> - We will meet any mandatory consultation requirements, including government-set guidance.
Meeting obligations under the Treaty of Waitangi	<ul style="list-style-type: none"> - We will meet our obligations to consult with Māori under the Treaty of Waitangi. We are committed to working closely with Māori, with particular emphasis on products for which Māori are key end users.
Meeting agreed ways of working with key stakeholders	<ul style="list-style-type: none"> - We will abide by pre-existing commitments and agreements about working with key stakeholders. This includes tripartite arrangements with social partners, any agreements specified in Memoranda of Understandings (MoUs) and any other arrangements with stakeholders. - We will consider wider government strategies in our work.
Identifying our audience	<ul style="list-style-type: none"> - We will identify our key audience and users of our end product before we consult. - Where suitable, we will identify a broad range of stakeholders. - We will consult with our key audience directly or through representatives. We will make the best use of our key audience’s time. - We will gauge the likely level of wider interest and provide suitable channels for other stakeholders to provide feedback, as appropriate. We will take the broadest possible range of interested parties into account. - We will look for groups and individuals with expertise (eg professional bodies, individuals with particular expertise (eg medical specialists) and others) that could contribute and seek their input. - We will engage with other WorkSafe teams as necessary.
Proportionate and tailored consultation	<p>We will decide on the size and type of consultation by considering:</p> <ul style="list-style-type: none"> - What we are trying to achieve in the consultation. - Whether it is a technical product or for a general audience. - The legal status of the product on which we are consulting. - Whether the impact on the end user is major or minor. - The expected life span of the product. - The level of public interest in the topic. - The preferred way to communicate feedback, appropriate to the audience.

PRINCIPLE	HOW WE WILL DO THIS
Being accessible and timely	<ul style="list-style-type: none"> - We will communicate the consultation topic clearly. - We will build in sufficient time for gaining and assessing feedback from targeted stakeholders, users and other interest groups. - We will create timelines with the aim of allowing stakeholders adequate time to feedback. We will also allow more time for complex topics to be understood. - We will do our best to provide efficient, accessible and user-friendly formats to gain feedback. - We will provide ways to get further information.
Acting in good faith	<ul style="list-style-type: none"> - We will consider all feedback openly. - We will keep our consultation processes purposeful and relevant. - We will respect our stakeholders' preferred means of engagement. - We will carefully consider feedback from stakeholders and incorporate views where appropriate. - Where there is concern between unions and industry, we will take particular care to show the rationale for our chosen approach.
Being open and transparent	<ul style="list-style-type: none"> - We will report back to our stakeholders on the outcome of our consultation and show our rationale where appropriate.

TABLE 1: Principles of consultation

Planning your consultation

When WorkSafe decides to consult, then we will make every effort to act in accordance with the principles outlined in this Consultation Policy.

In our planning, we will also factor in any time and other operational constraints.

Refer to the Consultation Process Guidance for further information on how to consult.

Other relevant documents

Other relevant documents include:

- [Safe Work Instruments. Regulatory Function Policy](#)

Review and publication of this policy

The WorkSafe Operational Policy team will review this Policy as needed.

This Policy is part of WorkSafe's practice framework and will be available externally.

Policy owner: General Manager, Better Regulation

Policy approved by: The Senior Leadership Team of WorkSafe

Policy reviewed and approved: September 2018

Next review date: As needed

Distribution: This policy will be published on the WorkSafe website and intranet

Published: October 2018

PO Box 165, Wellington 6140, New Zealand

worksafe.govt.nz



Except for the logos of WorkSafe, this copyright work is licensed under a Creative Commons Attribution-Non-commercial 3.0 NZ licence.

To view a copy of this licence, visit <http://creativecommons.org/licenses/by-nc/3.0/nz>

In essence, you are free to copy, communicate and adapt the work for non-commercial purposes, as long as you attribute the work to WorkSafe and abide by the other licence terms.

