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What we expect from third parties and what they can expect from us

This policy's purpose

This policy clarifies what we expect of third parties in an authorisation regime and what they can expect from us.

It helps us to:

- be clear about what we expect and what we'll do
- work with third parties to achieve our regulatory objectives
- be a good regulatory steward and strengthen the integrity of our authorisations regimes, and
- manage risks, including regulatory risk.

For this policy, a third party is a person or body separate to WorkSafe who is authorised to carry out functions under the Health and Safety at Work Act 2015 (HSWA), the Electricity Act 1992, and the Gas Act 1992. Compliance certifiers and Recognised Safety Auditors are examples of third parties.

Our third parties are essential to the performance of our authorisation regimes. They provide us with assurance that risks in a regime are managed effectively and that other authorised parties meet and continue meeting requirements.

Third parties are not:

- consultants and contractors we employ, or
- parties that solely help applicants for an authorisation meet the requirements in their application, for example, Diving Hyperbaric Medicine Service.

What we expect from third parties

We expect third parties to:

- meet their legal and regulatory obligations as well as the overall intent behind these obligations. This includes accreditation and performance standards where required
- support WorkSafe's strategic outcome that work is healthy and safe for all in Aotearoa New Zealand
- be honest, open, and willing to engage, by:
 - informing us when they're aware of non-compliance in the sector and meet any reporting requirements
 - telling us about changes to their business that could impact their ability to carry out their functions
 - cooperating when we carry out monitoring activities and interventions such as audits, assessments, and investigations
 - being open to improvements and suggestions, and
 - cooperating with other regulators or agencies when required and engaging constructively
- have a suitable knowledge base and systems, by:
 - understanding the regulatory requirements of their role and having the necessary systems and processes to deliver them
 - understanding relevant legislation and regulations and taking steps to stay informed of updates and changes
 - maintaining and continuing to build their expertise
 - having documented procedures and processes, keeping records of their decisions, and monitoring their performance

- managing complaints and appeals in line with relevant requirements, and in a satisfactory manner, and
- maintaining accreditation where required
- be efficient and effective, by:
 - delivering their functions in a timely manner, and
 - ensuring they have sufficient resources to deliver their role
- have integrity, by:
 - being impartial and managing conflicts of interest to a satisfactory degree
 - having good conduct, culture, and a safe working environment
 - having quality assurance processes in place
 - having transparent decision-making processes, and
 - being fair and respectful.
- ensure business continuity, by planning for financial pressures, loss of staff, and other business changes.

- proactively monitor our third parties and let them know what they're doing well and what they can improve on, and
- keep records of issues and successes that arise and use that information to help us make decisions on continuing to use a third party.

We'll take action if a third party isn't meeting our expectations. We'll choose the most effective interventions available depending on the circumstance. This may include increased engagement, monitoring, investigation, or withdrawal of their authorisation.

We apply the principles of natural justice, including making sure third parties have an opportunity to make a submission where relevant.

What third parties can expect from us

We work with third parties in good faith and support them by providing information to assist them in their role and ensure the regime operates well. This means we:

- establish and maintain relationships with third parties, meeting face to face where possible
- keep third parties informed of potential changes and updates to the regime and industry, including any changes to our regulatory objectives
- consider third parties' feedback on the regime's performance
- may support third parties with information where appropriate and keep records when we do so
- ensure we have the capacity and expertise to support and monitor third parties, and
- share information with third parties where necessary. We do this in line with relevant legislation, including the Privacy Act 2020.

We seek assurance that third parties are acting within the bounds of their legal and regulatory requirements, are compliant with regulatory obligations, and that our health and safety outcomes for authorisations are being met. This means we:

- use insights to understand how well a third party is performing in a regime. This may include information from our notifications and concerns; interventions such as assessments; insights from bodies that may accredit those third parties; and information from the third parties themselves