February 2023

To the Education and Workforce Committee

Please find below DPA’s submission on the Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Bill.

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **Article 4.3: Engaging with disabled people and our representative organisations on matters that affect us.**
* **Article 27: Work and employment**

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 2 – Employment and economic security**

# The Submission

## DPA believes that all workers have a right to work in healthy and safe working environments.

DPA supports the objective of this bill to contribute to improve health and safety outcomes in New Zealand workplaces and reduce work-related harm.

We believe that increasing access to Health and Safety Representatives (HSRs) and Health and Safety Committees (HSCs) is a key way of improving worker safety.

# Health & Safety and Disabled Workers

Disabled people are often seen as liabilities in health a safety terms and this can prevent the employment of disabled people, or, where disabled people are employed, may cause employment barriers. While genuine health & safety considerations need to be managed and minimised for all workers, the concern around disabled people in relation to health and safety is often unfounded or has not had the same analysis applied as any other matter of health and safety have.

Sometimes health & safety issues cannot be foreseen, and having access to HSRs should pick up genuine health and safety concerns quickly and HSCs provide a place to take such concerns to. Disabled workers may also feel less fearful of raising health & safety concerns with HSRs, who are fellow workers, rather than with management.

We are aware of situations where disabled workers are not properly briefed or included in ongoing health & safety procedures and processes.

Deaf workers who require New Zealand Sign Language interpreters are not provided with funding from MSD’s Support Funds to access interpreting services for health and safety meetings.

While it is an employer’s responsibility to ensure the health & safety of all workers, Support Funds should be made available for Deaf workers in all job-related meetings. However, there is a lack of awareness with some employers and disabled people around the existence of Support Funds.

We are also anecdotally aware of workers with learning disabilities not having health and safety matters explained to them in ways they can fully understand.

We believe that worker participation through HSRs and HSCs will lead to improved involvement and participation of disabled workers in health and safety matters at work, ultimately creating safer workplaces for all.

1. United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities.* Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [↑](#footnote-ref-2)
2. Office for Disability Issues. (2016). *New Zealand Disability Strategy.* Retrieved from: <https://www.odi.govt.nz/nz-disability-strategy/> [↑](#footnote-ref-3)