

New Zealand government attacks workplace health and safety law

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New Zealand's Workplace Relations and Safety Minister, Brooke van Velden, recently announced a sweeping regressive change to the country's workplace health and safety laws and procedures. The Health and Safety at Work Reform Bill is to be introduced later this year.

Van Velden is deputy leader of the far-right ACT party, which is part of the ruling coalition including the National Party and NZ First. The libertarian ACT is a mouthpiece for big business, committed to "small government," eliminating "red tape," sweeping privatisations and market liberalisation. Despite gaining just 8.6 percent of the popular vote at the 2023 election, it is spearheading many of the government's extreme anti-working-class measures.

Van Velden announced in April that WorkSafe, the government's work and safety regulator, will be required to shift its priorities from enforcement to "advice." She said that this will address concerns about underfunding and a "culture of fear" among employers about regulations.

Making the pro-business agenda crystal clear, van Velden declared: "I want to see a shift from a regulator that has a safety at all cost mentality, to a regulator that focuses on helping duty-holders do what is proportionate to the risks, including rooting out over-compliance."

This means, she said, cutting through "the unnecessary red tape holding these businesses back." Initial changes will exempt small, purportedly "low-risk businesses" from general Health and Safety at Work Act requirements. They will only need to manage "critical risks" and provide "basic facilities" for workers' welfare.

Van Velden claimed: "A culture where the regulator is feared for its punitive actions rather than appreciated for its ability to provide clear and consistent guidance is not conducive to positive outcomes in the workplace." Employers will be invited to draft their own codes of conduct for approval by the minister, which will then make up the majority of new codes.

WorkSafe's remaining enforcement and prosecution decisions will focus, according to van Velden, on being "even handed." This includes "strengthening its approach to

worker breaches of duty"—that is, blaming workers for safety incidents.

Van Velden said the legislation will also be changed to ensure the "day to day management of health and safety risks" is left to managers so directors and boards are "freed up" from direct obligations. Feedback from consultations indicated, she said, that "there is overcompliance as many directors think they need to do more than they should."

A major restructuring of the agency is already under way. The government has reduced funding from \$NZ141.1million to \$138.9 million since 2023. WorkSafe has cut 170 jobs, including the disestablishment of a key health team which focussed on preventing health-related harm and workplace deaths.

New Zealand already has one of the worst occupational health and safety records, per head of population, among OECD nations. Fatalities average about 70 per year. Workers are killed at the staggering rate of nearly 1.5 every week. Figures for the past six years are extraordinarily high: 110 deaths in 2019, 69 in 2020, 64 in 2021, 59 in 2022, 67 in 2023 and 70 last year.

Workers also die from long-term exposure to harmful substances 10 times more often than from "accidents." According to WorkSafe, work-related health deaths are estimated at 750–900 a year.

Last week a South Island court considered a case of two workers who were overcome by hydrogen sulphide fumes and collapsed while digging a pit in 2023. One still suffers flashbacks after being trapped and unable to breathe. The judge said the employers had demonstrated a "near-complete failure" to identify and address the site's dangers.

The entire political establishment, including the trade unions, support the let-it-rip COVID-19 policy that is setting the stage for the resurgence of COVID-19 and other serious infectious diseases. Otago University health researchers have warned since 2023 about the "unacceptable" lack of COVID-19 protections in schools, describing them as high-risk settings with teachers' safety significantly compromised.

New Zealand has so far recorded over 2,274,370 cases of COVID-19—in a population of just 5.2 million—and over 3,000 deaths. The teachers have the highest rates of infection of any occupational group.

While industrial action on health and safety is still lawful under the highly restrictive Employment Relations Act, passed by the Labour-Alliance government in 2000, strikes led by the unions have been few and far between.

The deadliest industries are agriculture including forestry, transport and warehousing, manufacturing and construction—which alone had 226,600 injury claims in 2023. Common causes of fatalities involve vehicles, falling objects and being trapped in moving machinery—all of which are preventable.

Forestry had the highest fatality rate in 2024, with 16.58 deaths per 100,000 workers. Forestry workers are 70 times more likely to be killed on the job than the average NZ worker. The industry's death rate is 34 times higher than Britain's and seven times that in Australia.

In 2014, in the wake of a spate of deaths, a Forestry Industry Safety Council (FISC) was formed, including business leaders, WorkSafe and trade union officials. The latter hailed the body as a model of union-company collaboration, claiming it would improve safety. It has done nothing of the sort—between 2013 and 2023, 51 forestry workers died on the job.

The current Health and Safety at Work Act (2015) was enacted in response to the devastating explosion at the Pike River mine in 2010 in which 29 miners were killed. The Act was passed by the National Party government and endorsed by the Labour Party and the trade unions, ostensibly to strengthen workplace safety. However, it only requires employers to identify risks and do what was deemed “reasonably practicable” to eliminate or manage them. It introduced fines of up to \$600,000.

Institute of Safety Management board chair Mike Cosman, a work safety expert, told Radio NZ in April that the current system is “dysfunctional” and responsible for “killing about 1,000 Kiwis a year” from all causes, including accidents and work-related illnesses.

Cosman said the industry faced far-reaching funding cuts and restructuring. “Our ratio of WorkSafe inspectors to employees is about two-thirds of what the International Labour Organisation recommends and two-thirds of what they have in Australia,” he said. “This is what we saw before Pike River.”

There is now just one safety inspector for every 14,482 workers. Cosman dismissed van Velden's plans as doing nothing to address “critical risks.”

The current system operates on occasional inspections and advice. In several cases, WorkSafe has refused to prosecute

companies over deaths. Safety prosecutions are farcical, with fines imposed well below what could be deemed proportionate to injuries.

“Discounts” regularly reduce nominal fines by tens of thousands of dollars. A kitchen supplier is currently paying off a \$75,000 fine in monthly instalments of \$1,250 after being granted a 50 percent reduction on the initial fine. Another company has had a \$325,000 fine cut to just \$40,000 due to its “financial incapacity.”

Nearly 15 years after the Pike River disaster, some of the families are still fighting to expose the truth about an unlawful back-room deal to drop charges against Pike River Coal's chief executive Peter Whittall. A hearing was held at the Wellington High Court last month challenging WorkSafe over charges that were dropped in exchange for an unsolicited payment of \$3.41 million to the families.

A 2012 Royal Commission of Inquiry revealed that the mine was a disaster waiting to happen. Management, the trade union bureaucracy and government regulators all knew about the life-threatening conditions but did not stop its operations. Not one person has been held accountable for creating the conditions that led to 29 avoidable deaths.

Van Velden's claim that employers operate in “fear” of regulations is an absurd lie, used to justify the eradication of basic protections. The government is engaged in the systematic dismantling of whatever remains of workers' rights to enable the domination of employer prerogatives, production speedups and the removal of all impediments to profit making. The escalation of workplace injuries, long-term health problems and avoidable deaths is inevitable.



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