

19 June 2023

File Ref: 230475

Paul Lynch
fyi-request-22848-695377d7@requests.fyi.org.nz

Dear Paul

Thank you for your Official Information Act request received on 18 May 2023. You requested:

Could you please provide me with the following information:

1: How many successful prosecutions has WorkSafe NZ made across all sectors in the years since its inception?

2: How many investigations into workplace bullying have been conducted by Worksafe NZ in the years since its inception and how many of those have been successfully prosecuted?

Information being released

- 1. How many successful prosecutions has WorkSafe NZ made across all sectors in the years since its inception?*

There have been 645 successful prosecutions from 1 April 2014 to 31 May 2023.

The prosecutions are broken down by sector as follows:

Count of Industry	
Industry	Total
Accommodation and Food Services	10
Agriculture	45
Arts and Recreation Services	26
Construction	150
Consumer – Beauty Treatments	1
Earthworks/Roading	4
Education and Training	7
Electricity, Gas and Water Supply	30
Electricity, Gas, Water and Waste Services	6
Engineering	1
Forestry	41
Logistics	1
Manufacturing	163
Mining	12
Not Stated/Other services	90
Painting	1
Public Administration and Safety	7
Rental, Hiring and Real Estate Services	3
Retail Trade	12
Transport Postal and Warehousing	30
Wholesale Trade	5
Grand Total	645

2. *How many investigations into workplace bullying have been conducted by Worksafe NZ in the years since its inception and how many of those have been successfully prosecuted?*

I am not able to respond to this part of your request using the terminology “investigations”. WorkSafe has no specific data to release where WorkSafe has “investigated” allegations of bullying. This is because the work WorkSafe does in this area is broader in scope than bullying.

I am therefore refusing that part of your request under Section 18(g) of the Act as the information is not held and Section 18(f) of the Act as the information cannot be made available without substantial collation or research. WorkSafe does not collate or record data in a way that enables your request to be answered.

However, I am able to provide some further information in relation to our Mentally Healthy Work programme.

In late 2020 WorkSafe established a Mentally Healthy Work (MHW) team to provide subject matter expertise and guidance, and in early 2021 a team of specialist health inspectors (Kaimahi Hauora) was established to lead work and support other operational staff in assessing and regulating psychosocial risks at work.

We have MHW notifications data readily available from 2019-2023 (to date). Please note that this data does not solely represent workplace bullying notifications. Listed below are the Mentally Healthy work risks included in notifications, but are not limited to:

- aspects of how work is organized, e.g., roles and expectations, job demands, workload and work pace.
- social factors at work, e.g., interpersonal relationships, bullying and victimization, harassment, violence at work, supervision, and support.
- work environment, equipment, and hazardous tasks, e.g., poor workplace conditions, working in extreme conditions.

A summary of the numbers is provided in the table below:

Year	Number of Concerns or Notifications
2019	69
2020	20
2021	134
2022	229
2023 (to date – 12 June 2023)	107

While no prosecutions have been initiated to date, we are engaging more directly with workers and business with regard to bullying and harassment issues and issuing an increasing number of enforcement notices; these are issued through an assessment process rather than an investigation process. Please note that the majority of MHW notifications require engagement and education – an opportunity to:

- provide guidance and education to notifiers and PCBUs,
- referring notifiers to other agencies appropriate to deal with the specific concerns raised,
- having conversations with PCBUs regarding their current policies and procedures around MHW work and reminding them of their responsibility under HSWA.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision, and further information is available at www.ombudsman.parliament.nz

If you require further assistance, please contact ministerial.services@worksafe.govt.nz .

Yours sincerely

A handwritten signature in black ink, appearing to read 'Catherine Spiller', with a large, stylized flourish at the end.

Catherine Spiller
Acting Head of Health and Technical Delivery