

Submission on the Health and Safety at Work Amendment Bill

Submitted by:

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Executive Summary

Workdek NZ supports the proposed amendments to the Health and Safety at Work Act (HSWA) and, in particular, the stronger focus on identifying and managing critical risks.

Falls from height remain one of the most significant causes of serious harm in residential construction. To ensure the proposed reforms deliver meaningful improvements in safety outcomes, greater clarity is required regarding how fall risks should be identified and managed in practice.

This submission makes the following key recommendations:

- Falls from height in residential construction should be clearly recognised as a critical risk, with guidance that work where a person could fall from a height greater than approximately 1.3 metres should be treated as such.
- The reforms should reinforce the hierarchy of controls, ensuring that elimination of fall hazards through engineered solutions is prioritised wherever reasonably practicable.
- The Residential Construction Approved Code of Practice (ACOP) should provide clear and practical guidance on what constitutes a fit-for-purpose working platform.
- The critical risk framework should encourage prevention-based approaches to working at height, recognising that eliminating exposure to gravitational energy is the most effective way to reduce serious injury.
- Regulatory clarity should support industry leadership and innovation, encouraging wider adoption of engineered fall-prevention systems across residential construction.

Clear guidance will help ensure the critical risk framework translates into practical improvements in safety performance across the construction sector.

1. Introduction

This submission is made jointly by David Grigor and Dave Simmons, Directors of Workdek NZ.

Workdek is a New Zealand-designed modular working platform system developed to address fall risks within residential construction. The system was founded after decades of residential building experience highlighted the frequency with which workers were exposed to fall hazards during framing and roof installation.

Over recent years, Workdek has worked closely with builders, scaffold companies and construction firms across New Zealand to trial and implement practical solutions for internal fall prevention on residential building sites. This work has been supported by independent ergonomic research conducted in collaboration with CHASNZ, and by independent productivity analysis undertaken by a Quantity Surveyor.

Workdek was also recently recognised as a finalist in the 2026 Site Safe Health and Safety Awards in the Safety Innovation category.

While this submission reflects our perspectives as business owners, it is grounded in ongoing engagement with builders, scaffold companies and residential construction firms across New Zealand.

2. Position Statement

Workdek supports the proposed amendment's focus on identifying and managing critical risks within the Health and Safety at Work framework.

A stronger focus on those hazards most likely to cause serious injury or death represents a positive evolution in workplace safety policy.

However, the success of the reform will depend heavily on providing clear and practical guidance to industry about how critical risks should be recognised and managed in practice.

In particular, clearer guidance is needed regarding the management of falls from height within residential construction, which remain one of the most persistent causes of serious harm in the sector.

3. Falls from Height as a Critical Risk

Falls from height remain one of the most common causes of serious harm in construction.

Residential construction in particular involves routine activities where workers are exposed to fall hazards, including:

- installation of roof trusses
- roofing preparation
- work undertaken inside partially completed structures.

These tasks often involve workers operating at height while balancing on narrow structural elements, top plates or ladders.

Despite considerable industry effort over the past decade to reduce fall-related injuries, serious incidents continue to occur. This indicates that further progress is required in the way fall risks are identified and managed.

From a policy perspective, falls from height clearly meet the definition of a critical risk due to their high potential for severe injury or death.

4. The Energy-Based Safety Perspective

The energy-based safety model provides a useful framework for understanding serious injury risk.

In simple terms, injury occurs when hazardous energy is transferred to the human body. When a worker is operating at height, they are exposed to gravitational potential energy. A fall represents the uncontrolled release of that energy.

As fall height increases, the amount of energy released during impact increases rapidly, significantly increasing the likelihood of severe injury or death.

From a safety management perspective, the most effective way to manage this hazard is to eliminate exposure to hazardous energy wherever reasonably practicable, rather than relying solely on systems designed to mitigate the consequences after a fall has already occurred.

This principle aligns directly with the hierarchy of controls, which places elimination at the top of the risk control framework.

For critical risks, prevention should be the starting point.

5. Need for a Clear Definition of Critical Risk

A key challenge facing the industry is the lack of clarity regarding when fall exposure should be treated as a critical risk.

Workdek believes the effectiveness of the proposed reforms would be strengthened by providing clear direction that any work where a person could fall from a height greater than approximately 1.3 metres should be treated as a critical risk activity.

This threshold is important because research examining fall injuries across construction and industrial environments demonstrates that falls from relatively modest heights can result in serious injury or death, particularly where the worker impacts a hard surface. Studies commonly referenced in workplace safety discussions, including research associated with NIOSH and the UK Health and Safety Executive (HSE), show that a substantial proportion of serious injuries occur from falls below two metres. Biomechanical research also indicates that falls from around 1.3 metres generate sufficient impact energy to cause severe trauma, or death, particularly when landing on rigid surfaces.

Importantly, this threshold aligns closely with common residential construction tasks, such as standing on top plates during framing or installing roof trusses within partially completed structures.

Providing clear guidance that falls from heights above approximately 1.3 metres should be treated as a critical risk would:

- support consistent decision-making by PCBU's
- assist inspectors and regulators in applying the legislation consistently
- remove ambiguity for small and medium-sized builders
- reinforce the seriousness of working at height within residential construction.

Clear thresholds help translate legislative intent into practical behaviour on worksites.

6. Reinforcing the Hierarchy of Controls

The proposed reform provides an opportunity to reinforce the hierarchy of controls as the primary framework for managing critical risks.

When managing fall hazards, PCBU's should be expected to prioritise:

1. Elimination – removing exposure to the fall hazard through engineered solutions.

2. Isolation – separating workers from the hazard through scaffolding, guardrails or edge protection.
3. Mitigation – reducing the consequences of a fall through fall arrest systems.

Historically, mitigation-based approaches such as fall arrest systems have become the default solution.

While such systems may have a role, they do not remove the underlying exposure to gravitational energy. For this reason, they should not be treated as equivalent to elimination-based controls when managing critical risks.

Earlier regulatory discussions, including the Plant and Structures reform proposals, placed stronger emphasis on the hierarchy of controls and prioritised engineered working platforms as a primary means of eliminating fall hazards. Re-emphasising this approach in the current reform process would help ensure that the focus on critical risk leads to meaningful improvements in safety outcomes.

7. Importance of Practical Guidance in the Residential Construction ACOP

The Residential Construction Approved Code of Practice (ACOP) will play a critical role in translating legislative intent into practical guidance for the industry.

For many residential builders and subcontractors, the ACOP will be the primary source of guidance on how to meet their obligations under the Act.

To support effective implementation of the critical risk framework, in addition to the clear definitions provided by the HSWA, the ACOP should provide clear guidance on:

- what constitutes a fit-for-purpose working platform
- when fall hazards should be eliminated rather than mitigated
- how the hierarchy of controls should be applied in residential construction environments.

In Workdek’s view, the ACOP should be used to remove ambiguity around unsafe but normalised practices, and to provide practical examples of compliant, engineered approaches to internal fall prevention.

Clear guidance will support more consistent interpretation by both industry participants and regulators.

8. Evidence From Industry Research

Research undertaken in collaboration with CHASNZ has examined the ergonomic impacts of different working methods on residential construction sites.

Builders working from stable internal platforms demonstrated improved posture, reduced back strain and fewer awkward working positions. Participants also reported lower levels of fatigue and increased confidence when undertaking work at height.

In addition, independent productivity analysis undertaken by a Quantity Surveyor found that framing and roof installation tasks were completed approximately 23–25 percent faster when workers operated from stable platforms compared with traditional fall arrest approaches.

These findings are important because they demonstrate that prevention-based safety systems can improve both worker wellbeing and site productivity.

In other words, better safety outcomes and better commercial outcomes can align.

9. Industry Leadership and Cultural Change

Improving safety outcomes in construction requires both regulatory clarity and industry leadership.

For many years, the residential construction sector has accepted working practices that involve builders balancing on narrow framing members during critical stages of construction.

These practices persist largely because they have become normalised, rather than because they represent the safest available approach.

The proposed focus on critical risks provides an opportunity to reset these expectations.

Clear regulatory direction can help industry leaders — including builders, scaffold companies and principal contractors — move toward engineered solutions that eliminate fall exposure rather than simply manage its consequences.

Encouraging innovation and prevention-based approaches will be an important part of improving safety outcomes across the sector.

10. Conclusion

Workdek supports the proposed emphasis on identifying and managing critical risks within the Health and Safety at Work framework.

Falls from height remain one of the most significant causes of serious harm in residential construction. The current reform process presents an important opportunity to strengthen how these risks are managed.

To achieve meaningful improvements in safety outcomes, it is important that the legislation and supporting guidance:

- clearly define what constitutes a critical risk in relation to working at height
- reinforce the hierarchy of controls, with elimination prioritised wherever reasonably practicable
- provide clear and practical guidance through the Residential Construction ACOP.

Clear expectations will support better decision-making by PCBUs and help reduce serious injuries across the residential construction sector.

11. Request to Appear

We would welcome the opportunity to appear before the committee to speak to this submission and provide further insights from industry experience.

In developing practical guidance for residential construction, there may also be value in drawing on the experience of organisations that have worked closely with builders and scaffold companies to trial and implement fall prevention systems on active construction sites. Through our engagement with the sector, Workdek has gained practical insight into the challenges builders face when managing fall risks during timber framing and roof installation.

If helpful to the development of the Residential Construction ACOP, we would be pleased to share further observations from this work, including insights from the ergonomic and productivity research undertaken with industry partners.

Thank you for the opportunity to contribute to this important review.

12. References

- National Institute for Occupational Safety and Health (NIOSH), *Preventing Falls in Construction*
- UK Health and Safety Executive (HSE), guidance and research on *Falls from Height in Construction*
- CHASNZ ergonomic research relating to internal working platforms
- Independent Quantity Surveyor productivity analysis relating to internal working platforms