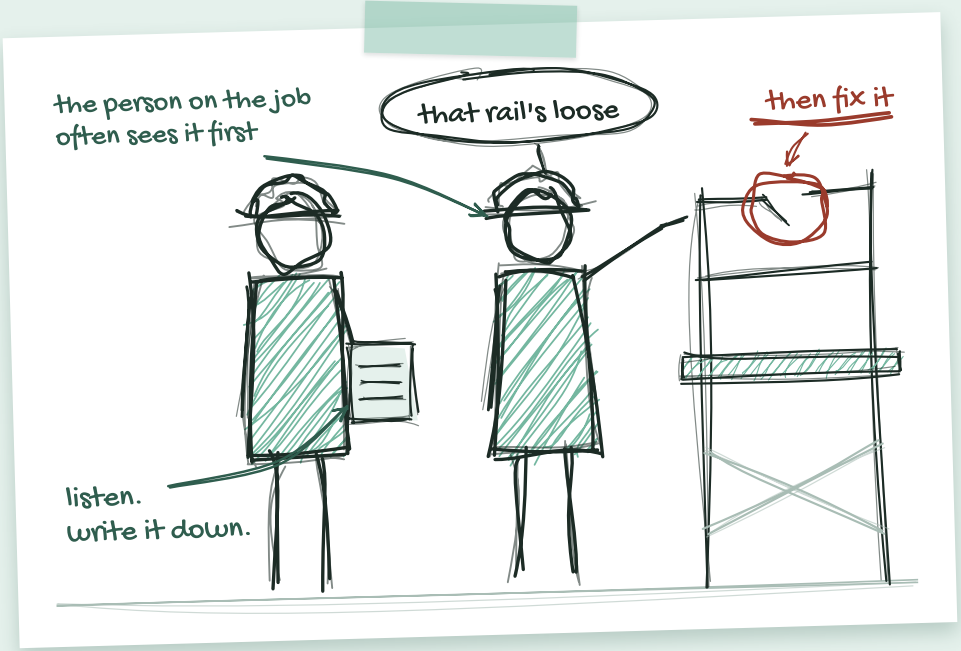
vimes consulting

Field guide 4



Worker voice

Hearing the people who do the work: engaging them, working with representatives, and backing the right to stop unsafe work.

For middle managers and senior leaders in Aotearoa New Zealand

Health and safety field guide 4
Edition 2.3
Published 27 October 2026

They spoke up

In April 2010, an underviewer, a senior supervisor at the Pike River coal mine, emailed management about methane gas. Methane, he wrote, "will show us no mercy". It was time to take methane drainage "more seriously".

He was not the only one. For months, deputies, who led the crews and did the safety checks, and other workers had reported too much methane, and many other problems. In the last 48 days before the explosion, there were 21 reports of methane at explosive levels.

On 19 November 2010, at 3.45 pm, the mine exploded. Twenty-nine men died. The Royal Commission that looked into it wrote: "The warnings were not heeded."

What the story shows

People at Pike River did speak up, again and again. What failed was what came next: the listening, the acting and the reporting back. Those parts belong to leaders.

Why this guide starts here

Worker voice is not only about getting people to talk. It is about what you do when they do. The Commission said: "More worker participation in managing health and safety is needed". Today the law asks every business to engage with its workers. Page 14 sets out what the Commission found.

The people doing the work often see the danger first. What matters is what happens after they tell you.

Sources Royal Commission on the Pike River Coal Mine Tragedy, Report (2012), volume 1, overview and "What happened at Pike River".

Note This guide tells part of the Pike River story with respect for the 29 men and their families.

About this guide

Who it is for

Senior leaders who set up the ways workers take part, and who must act on what they hear.

Middle managers who talk with workers every day, and who work alongside health and safety representatives.

How to use it

Read pages 2 to 9 at your own pace. Then take the scene on page 10 and the words on page 12 to your next toolbox talk. Write what you hear on page 18. Key words are explained on page 21.

Field guide 1 explains the ideas behind the series. This guide applies them to listening.

Finding your way

Before you start	2
The duty	4
Look and listen	10
What good looks like	12
The lesson of Pike River	14
On the floor	15
Questions and notes	18
Key words and sources	21

Reading these pages

A taped card with footprints: something to try at work

A small compass: the sentence or point after it is this guide's view



A pink box with a red edge: what changes from 1 April 2027



Priority dots (this guide's rating): one means watch, three means act today



A hatched edge with a compass: this guide's own view

A tinted box: the law, WorkSafe guidance or court facts



The foot strip: sources. Untinted tables, sketches and checklists are this guide's own

About this guide In this guide, "the Act" means the Health and Safety at Work Act 2015, "s" means section and "ss" means sections. "The regulations" means the Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016, and "reg" means regulation. This guide gives general information. It is not legal advice. Written to the plain language standard in the Plain Language Act 2022 (s 5).

Engaging is a loop

You must, so far as is reasonably practicable, engage with workers who do work for you and who are, or are likely to be, directly affected by a health and safety matter. **s 58(1)**



The Act sets out the four steps in the sketch. Share information in good time. Give workers a reasonable chance to give views, raise issues and help decide. Take their views into account. Tell them the outcome in good time. **s 59(1)** If workers have an HSR (a health and safety representative, a worker elected to represent a work group), involve the HSR. **s 59(2)**

Contractors and labour hire workers count too.

Reasonably practicable means what you can reasonably do, once you weigh up the risk, what you know, and the controls that exist. Cost is weighed last. **s 22**

Telling is not engaging

A briefing that shares a decision already made covers step 1 at most. People need a real chance to shape the decision, and to hear what came of it.

Sources the Act, ss 58, 59.

Note Failing to engage is an offence. The maximum fine is $20,000 for an individual and $100,000 for an organisation (s 58(4)).

When to engage

The Act lists the moments when you must engage. **s 60** Most are about decisions you are already making.

- [ ] When you identify hazards and assess risks.
- [ ] When you decide how to remove or reduce those risks.
- [ ] When you decide whether welfare facilities are adequate.
- [ ] When you propose changes that may affect health or safety.
- [ ] When you decide how to engage, monitor health and conditions, and train workers.
- [ ] When you decide how to resolve health and safety issues.
- [ ] When you develop participation practices, including work groups (the workers an HSR represents).

Ways to take part, all year round

You must also have practices that give workers reasonable chances to help improve health and safety on an ongoing basis. **s 61(1)** The maximum fine is the same as for engaging. **s 61(4)**

What is reasonable depends on the number of workers and workplaces, how far apart they are, and the risks. It also depends on the nature of the work, how people are employed or contracted, and how willing workers are to take part. **s 61(3)**

No single model

WorkSafe says participation "can be flexible – whatever best suits the business or undertaking's size and risk profile". It adds: "One size does not fit all."

Sources the Act, ss 60, 61; WorkSafe, Worker engagement, participation and representation: good practice guidelines (September 2023), pp 36, 38.

Representatives and committees

Workers can ask for health and safety representatives and a committee. Since 13 June 2023, this applies to every business, whatever its size or sector.

What workers can ask for

- **An election of HSRs.** Any worker can ask you to start one for their work group. You can also start one yourself. **s 62**
- **A committee.** An HSR, or five or more workers at a workplace, can ask for one. Set it up as soon as practicable. **s 66**

The numbers	What the law says
Time to start an election	Within two months of the request. **reg 12**
How many HSRs	At least one for every 19 workers, rounded up. **reg 6**
How long an HSR serves	Up to three years, or a shorter agreed term. HSRs can be re-elected. **reg 18**
Who sits on a committee	At least half must be workers the business did not nominate. **reg 28**
How often a committee meets	At least once every three months, and when most members ask. **reg 29**

Unless you set up separate work groups, one work group covers all workers. **s 64**

Failing to start an election or set up a committee when asked is an offence. The maximum fine is $5,000 for an individual and $25,000 for an organisation. **ss 62(5), 66**

Sources the Act, ss 62, 64, 66; the regulations, regs 6, 12, 18, 28, 29.

Note Before June 2023, small businesses outside high-risk sectors could refuse. The Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Act 2023 removed that exception.

What HSRs do, and what you owe them

What an HSR does

- Represents workers in their work group on health and safety.
- Investigates workers' complaints, and looks into anything that seems a risk.
- Monitors the measures the business takes.
- Makes recommendations, and gives feedback on whether the law is being met.
- Promotes the interests of workers who have been harmed, including their return to work.

The Act, Schedule 2, cl 1.

What you must do

- **Consult the HSR** on health and safety matters, so far as is reasonably practicable. **cl 10(1)**
- **Give them paid time and resources** for the role. **cl 10(1), (3)**
- **Answer every recommendation.** Within a reasonable time, adopt it or give written reasons why not. **cl 10(2)**
- **Pay for training.** Pay fees and reasonable costs. **reg 24** Paid training leave is capped for the whole business each year: 2 days for 1–5 workers and 6 days for 6–50 workers, rising with size. **reg 26**

Two powers that need training

Provisional improvement notices. A trained HSR who reasonably believes the law is being broken can issue a notice asking for it to be fixed. They must first consult the person they will issue it to. Not complying is an offence. **ss 69, 70, 78**

Directing work to stop. A trained HSR can direct a worker to stop unsafe work. The next page shows how. **ss 84, 85**

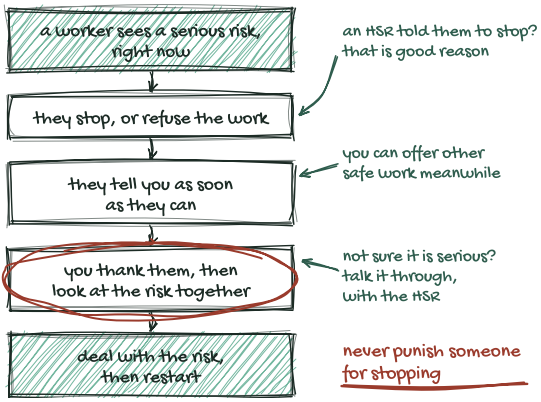
A good HSR is worth backing

An HSR who finds problems is doing the job well. Treat their recommendations as free advice from someone who knows the work.

Sources the Act, Schedule 2, cls 1, 10; ss 69, 70, 78, 84, 85; the regulations, regs 24, 26.

The right to stop unsafe work

A worker may stop, or refuse, work they believe would expose them or someone else to a serious risk from an "immediate or imminent exposure to a hazard". **s 83(1)**



Thanking them, talking it through with the HSR, and restarting once the risk is dealt with go beyond what the Act sets out.

- Advice from an HSR to stop counts as reasonable grounds. **s 83(3)** The worker must tell you as soon as practicable. **s 83(4)**
- For work with a known risk, the right applies only if the risk has "materially increased". **s 83(5)**
- A trained HSR can direct a stop, after first trying to sort it out with you, unless the risk is too urgent. **s 84** You may give suitable other work meanwhile. **s 86**

No punishment for speaking up

Adverse conduct, such as dismissing a worker, ending their contract or treating them worse than others, because they stopped work, raised a concern or acted as an HSR is an offence. The maximum fine is $100,000 for an individual and $500,000 for an organisation. **s 90** In court, the accused must prove this was not the main reason. **s 94** The worker can also seek compensation. **s 95**

Sources the Act, ss 83 to 86, 88 to 90, 94, 95.

Law changes from 1 April 2027

Your workers' rights to be heard and to stop unsafe work stay as they are. What changes is which risks small businesses must focus on.

Worker voice duties stay

The Amendment Act does not change the worker voice sections (ss 58 to 97).

If you have fewer than 20 workers

A PCBU is a "person conducting a business or undertaking", usually an organisation. **s 17** You are a small PCBU if you have fewer than 20 workers or, if numbers vary, expect fewer than 20 in at least 9 months of the financial year. **new s 17(3)–(5)** Your duties in ss 36 to 43 then cover only critical risks, except welfare facilities. A critical risk is one the law lists, or one likely to cause death or serious injury or illness. **new s 22A** Engaging workers (ss 58 to 61) still applies in full, critical risks first. An HSR may issue a provisional improvement notice on these duties "only if the breach relates to a critical risk". **new s 25A**

Workers help find critical risks

You already must engage when you identify hazards and assess risks (s 60).

From 2027, that will include deciding which of your risks are critical.

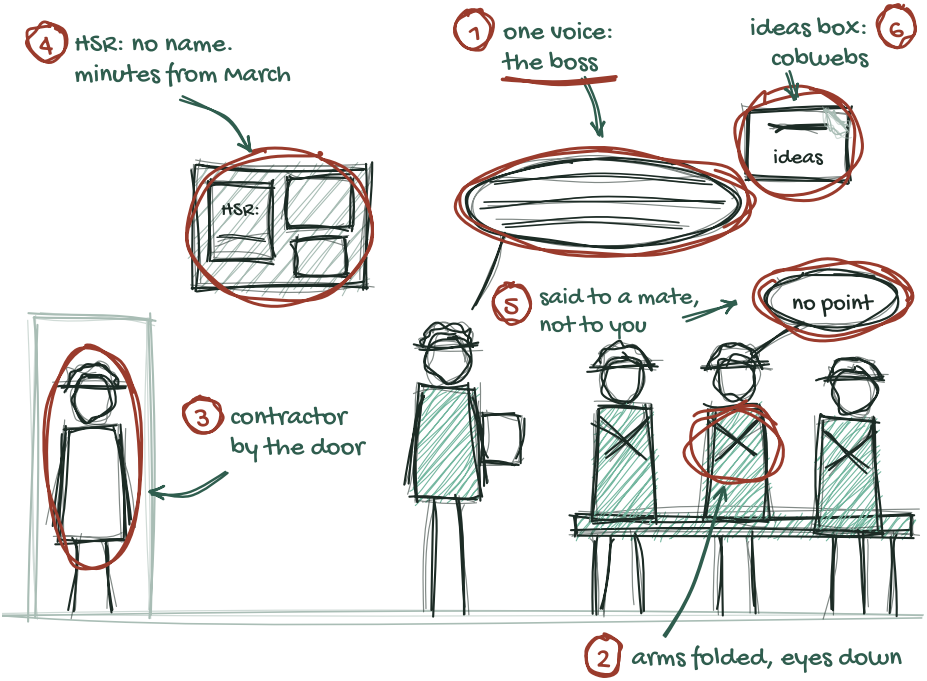
Getting ready

- [ ] Ask workers and HSRs which jobs could kill or seriously harm someone. Their list is your starting point.
- [ ] Check your HSRs are trained, so they can use their full powers.
- [ ] Tell workers that their right to speak up and to stop unsafe work has not changed.
- [ ] Small PCBU? Talk with your HSRs about what this means for their notices.

Sources Health and Safety at Work Amendment Act 2026 (became law on 9 July 2026): new ss 17(3)–(5), 25A. WorkSafe, Understanding the changes (July 2026); Am I a small or large PCBU? (Sept 2026).

What to look and listen for

Silence does not mean safe. Many of the signs that people have stopped speaking up are things you can see in the first five minutes of a toolbox talk.



The numbers match the table on the next page. The same six signs show up in team meetings, committee meetings and site walks.

Six things to notice

	What it looks like	Why it matters, and what to do	Priority
1	One voice in the room. The manager talks; nobody else does.	A briefing is not a conversation. Ask one open question, then wait. Let the silence run longer than feels comfortable.	●●○
2	Arms folded, eyes down, "no concerns".	People may have stopped expecting anything to change. Ask what happened the last time someone raised something.	●●●
3	A contractor or labour hire worker on the edge of the group.	They are workers you must engage with too (s 58). They often see the gaps between crews. Invite them in and ask them directly.	●●○
4	No HSR named on the noticeboard. Old minutes.	No representative, or a forum that has stalled. Check who represents each work group. Put up the latest actions and who owns them.	●●○
5	"No point." Said to a mate, not to you.	The concern exists. It is just not reaching you. Ask quietly afterwards. Then report back on the last thing anyone raised.	●●●
6	An ideas box with cobwebs.	Ideas go in and nothing comes out. Answer every slip, or take the box down and ask in person.	●○○

Try it this week

Sit at the back of one toolbox talk you are not running. Count how many people speak. Then ask the person running it what they noticed. Compare notes, not scores.

Words to use

Many managers want to hear concerns. The hard part is knowing what to say in the moment. Use your own words.

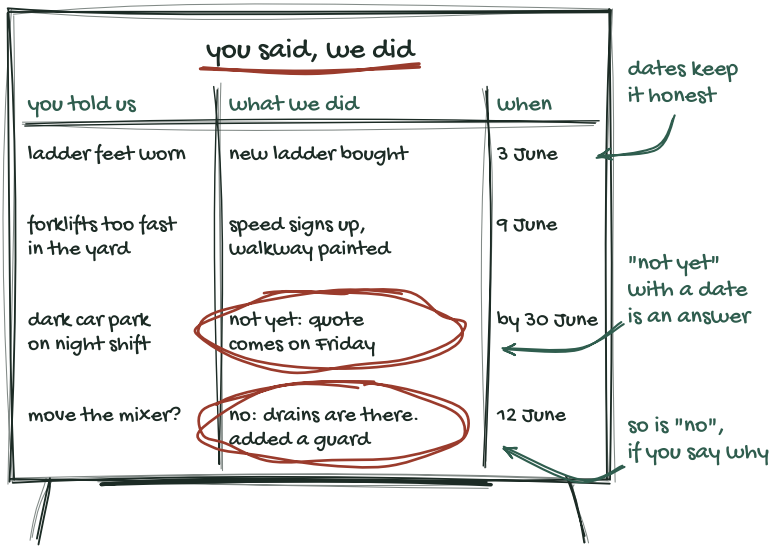
The moment	Words that help
Opening a toolbox talk	"Before I start: what is bugging you about the job this week? Anything that could hurt someone?" Then wait. Count to ten in your head.
Someone raises a concern	"Thanks for telling me. Can you show me?" Go and look with them, if you can, straight away.
You can't fix it yet	"You're right to raise it. We can't fix it this week, because ___. Here's what we'll do meanwhile. I'll tell you by Friday where it's at."
The answer is no	"We looked at it, and we're not changing ___, because ___. If you see it differently, tell me. I'd rather argue it out than have you stop raising things."
Someone stops work, and you think they're wrong	"Thanks for stopping. Show me what you saw." If you still disagree: "I see it differently. Let's get the HSR and look at it together before anyone restarts."
Someone brings bad news about your area	"Thanks. That can't have been easy to say. What do you think we should do?"

Words to avoid

"Who told you to stop?" "Just be careful." "We've always done it this way." Each one tells people that speaking up costs more than staying quiet.

Report back, every time

The Act's last step is to tell workers the outcome in good time. **s 59(1)(d)** It is an easy step to miss, and the one that keeps people talking.



WorkSafe says engaging can "result in practical solutions, because workers know their work environment well". It expects businesses to provide "time and resources for the HSR role".

Signs it is working

- ☐ Workers can name a change that happened because they spoke up.
- ☐ Bad news reaches senior leaders without being softened.
- ☐ HSR recommendations get a written answer, on time.
- ☐ Workers help write the procedures they follow.
- ☐ Contractors are part of the conversation.
- ☐ Someone stopped unsafe work, and was thanked.

Sources the Act, s 59; WorkSafe, Worker engagement, participation and representation: good practice guidelines (September 2023), p 13; WorkSafe, Employer obligations (HSR web page).

Pike River: what the workers reported

The Royal Commission found that "the workforce, including contractors, were committed to reporting events". It looked at 1,083 of their reports. The problem was what happened next.

What workers did	What happened next
Filled in incident reports	"Many reports were assigned to an investigator, but no investigation was completed." In October 2010 the backlog was cleared, so "the incidents were never properly investigated".
Reported methane	21 reports of explosive levels in the last 48 days. "The warnings were not heeded."
Asked, through the committee, for a second way out of the mine	"A fundamental concern of the workforce remained unaddressed – eight months after it was first raised."
Waited to hear back	"There was also a breakdown in providing feedback to the report writers."

The lesson for leaders

Look back at the loop on page 4. At Pike River, workers kept doing their part. The steps that broke were the ones that belong to managers: weighing it up, acting, and reporting back.

Most workplaces will never face a disaster on this scale. But every workplace has a pile of reports, a concern still open, and people waiting to hear back.

Sources Royal Commission on the Pike River Coal Mine Tragedy, Report (2012), volume 1, overview; volume 2, chapter 7, Health and safety management, paras 48, 54, 55, 58.

Running the conversation

It is 6.45 am in the yard. You ask, "Any concerns?" Twelve people look at their boots. Someone says, "All good." What you do next decides whether anyone speaks up tomorrow.

Before you ask

- [ ] Go to where the work is done. People talk more easily on their own ground.
- [ ] Know the last concern this crew raised, and what came of it. Start with that.
- [ ] Make sure contractors and labour hire workers are in the group.

While people talk

- [ ] Ask about the work, not about safety: "What slowed you down yesterday?"
- [ ] Write it down where they can see you doing it.
- [ ] Don't defend or explain yet. Ask one more question instead.

Afterwards

- [ ] Report back on every concern, even when the answer is no.
- [ ] Meet your HSRs before changes, not after.
- [ ] Answer HSR recommendations in writing, on time.
- [ ] Tell your own manager what you heard, unsoftened.

"All good" is a starting point

Try: "Good. If one thing on this site was going to hurt someone, what would it be?"

When the work changes

Workers' knowledge matters in every kind of situation, but you use it differently. Field guide 1 explains the situation names.

What is happening	How to use worker voice
Routine work, a settled crew Clear	Ask at the start of each shift where the procedure doesn't match the job. Fix small things fast, and say so.
New plant, a new procedure, or specialists planning a job Complicated	Put the people who will do the work in the room with the specialists. Ask them where the plan will not fit the site.
A restructure, new shifts or a new crew Complex	Engage before you decide (s 60). Try small changes, ask often, and watch what happens.
Someone is hurt, or an emergency is unfolding Chaotic	Make it safe first. Then ask the people who were there what they saw, while it is fresh (field guide 5).
Nobody is sure who speaks for whom Confusion	Find out who represents each work group. Then go and ask the people on the job, before you decide anything.

Complicated to Complex: the plan that never met the work

Specialists plan a job or buy equipment without the people who will use it. It works on paper. On site, workarounds appear within a week.

Complex to Chaotic: the stop call overruled

A worker or HSR says stop, and production pressure wins. A stop call is a warning, not a crisis: back it, make the area safe, then talk it through. The right to stop (ss 83, 84) only works in practice if leaders back it.

Sources The situation names in colour come from the Cynefin framework (Snowden and Boone, 2007, who called Clear "Simple" and Confusion "Disorder"; current names from Snowden and Friends, 2021).

Signs worth a closer look

When people stop speaking up, nobody announces it. None of these signs proves a problem. Each one is worth a question.

What you might see or hear	What to do	Priority
Fewer reports and suggestions, though the work has not changed.	Go and ask why. Fix one issue fast and tell people you did.	●●○
"There's no point raising it."	Find out what happened to past concerns. Report back on each one.	●●●
HSR roles empty, or HSRs who have never been trained.	Offer an election. Book the training and release them for it.	●●○
Workers hear about changes after they happen.	Pause. Engage on the change, as s 60 requires.	●●○
Workarounds on new equipment or procedures.	Ask what the workaround fixes. Bring users into the redesign.	●●○
Someone stopped work and was questioned, moved or left off the roster.	Back them publicly. Check whether it was adverse conduct (s 90).	●●●

The last-concern test

Pick someone at random. Ask: "What was the last safety thing you raised, and what came of it?" If they can't remember raising anything, or never heard back, you have found where to start.

Field notes

Fill in the back of your pocket card (page 19) before you cut it out.

Back of your pocket card

My critical risks here:

Who to call:

ideas for this page:

- the last concern, and its answer
- who stayed quiet, and why
- words that opened people up
- a promise made, and its date
- what your HSR told you

→ write it down here

Pocket card

Cut out and fold in half.

Someone raises a concern

1. Thank them.
2. Ask them to show you.
3. Agree what happens next, and by when.
4. Do it, or explain why not.
5. Report back, even if the answer is no.

"Not yet", with a date, is an answer too.

Someone stops work

1. Thank them first.
2. Make the area safe.
3. Look at the risk together, with the HSR.
4. Offer other safe work if needed.
5. Restart only when the risk is dealt with.

Never punish someone for stopping.

Sources Card text drawn from ss 59, 83 to 86 and 89 of the Act, and pages 4, 8 and 12 of this guide. Field guide 4, Vimes Consulting.

Take these to your next meeting

Senior leaders and officers

- [ ] How do workers shape our decisions on risk, not just hear about them?
- [ ] What changed in the last year because a worker spoke up?
- [ ] Do we have enough trained HSRs for our work groups?
- [ ] How fast do we answer HSR recommendations?
- [ ] Do we engage before restructures and new technology?
- [ ] Do we hear from contractors and labour hire workers?
- [ ] Would we back a worker who stopped unsafe work, even on a busy day?
- [ ] As an officer, how do I check for myself that concerns get answered and HSRs get trained and heard? (s **44**)

Middle managers

- [ ] When did I last ask my team what could hurt someone?
- [ ] Did I report back on the last concern raised?
- [ ] Does my team know who their HSR is?
- [ ] Is my team involved before changes, or told after?
- [ ] Where do people work around our procedures, and why?
- [ ] Has anyone stopped work recently? What happened next?
- [ ] Who on my team is quiet, and why?

Who told us something we didn't want to hear this year, and how did we thank them?

Two measures a board can track: concerns raised that got a report-back within the agreed time; HSR recommendations answered within a month.

Notes

Key words

The words this guide uses, in plain English.

Word	What it means
PCBU	A "person conducting a business or undertaking". Usually an organisation. s 17
Worker	Anyone who does work for a business, including contractors, labour hire workers, apprentices and volunteer workers. s 19
Reasonably practicable	What you can reasonably do, once you weigh up the risk, what you know, and the controls that exist. Cost is weighed last. s 22
Engage	Share information, listen, weigh up what workers say, report back. s 59
Participation practices	The ongoing ways workers help improve health and safety. s 61
HSR	A health and safety representative. A worker elected to represent a work group. s 62
Work group	The workers an HSR represents: all your workers, unless you set up separate groups. s 64
Committee	A health and safety committee. At least half its members are workers the business did not nominate. s 66, reg 28
Provisional improvement notice	A written notice from a trained HSR asking for a breach of the law to be fixed. s 69
Stopping work	A worker's right to stop or refuse work that would expose them or others to a serious risk from an "immediate or imminent" hazard. s 83
Adverse conduct	Dismissing a worker, ending their contract, or treating them worse than others. It is an offence to do it because they spoke up. ss 88, 90
Critical risk	From 1 April 2027, a risk the law lists, or one likely to cause death or serious injury or illness. new s 22A
Small PCBU	From 1 April 2027, one with fewer than 20 workers. If numbers go up and down, one that expects fewer than 20 in at least 9 months of the financial year. new s 17(3)–(5)

Sources the Act, ss 17, 19, 22, 59, 61, 62, 64, 66, 69, 83, 88, 90; the regulations, reg 28; Health and Safety at Work Amendment Act 2026 (new ss 17(3)–(5), 22A).

Check it yourself

How this guide was checked

Every statement of law or fact in this guide was checked against a primary source before printing: the Act, the regulations, the Amendment Act 2026 as passed, WorkSafe guidance, or the Royal Commission's report. Each check is recorded in a claims register, with the source and date checked. Statements that could not be checked were removed. Facts checked on 12, 22, 23 and 24 October 2026.

Law

1. Health and Safety at Work Act 2015, ss 17, 19, 22, 36 to 44, 58 to 66, 69, 70, 78, 83 to 86, 88 to 95, Schedule 2. legislation.govt.nz
2. Health and Safety at Work (Worker Engagement, Participation, and Representation) Regulations 2016, regs 6, 12, 18, 24, 26, 28, 29.
3. Health and Safety at Work (Health and Safety Representatives and Committees) Amendment Act 2023.
4. Health and Safety at Work Amendment Act 2026 (became law on 9 July 2026): new ss 17(3)–(5), 22A, 25A, 44(5).
5. Plain Language Act 2022, s 5.

WorkSafe guidance

6. Worker engagement, participation and representation: good practice guidelines (September 2023).
7. Web pages: Worker engagement and participation; HSR functions and powers; Employer obligations.
8. Understanding the changes to health and safety law (July 2026); Am I a small or large PCBU? (September 2026). worksafe.govt.nz

The case

9. Royal Commission on the Pike River Coal Mine Tragedy (2012). Report, volume 1 (overview; what happened at Pike River) and volume 2, chapter 7 (health and safety management). pikeriver.royalcommission.govt.nz

Research

10. Snowden, D. J., and Boone, M. E. (2007). A leader's framework for decision making. Harvard Business Review, 85(11), 68 to 76. The first source of the situation names on page 16.
11. Snowden, D., and Friends (2021). *Cynefin: Weaving sense-making into the fabric of our world*. Cognitive Edge, The Cynefin Co. The current situation names.

Other guides that help

Worker voice runs through the whole series. These guides help most alongside this one.

Guide	Read it for
1	The ideas behind the series, including why the same task needs a different approach in different situations.
2	Trust and verify. Workers are often the first to know when a control has stopped working.
3	Shared duties. Engaging with contractors and labour hire workers on shared sites.
5	When things go wrong. Listening to the people involved after an incident.
6	Critical risks and critical controls. Deciding, with workers, which risks could kill.
9	Psychosocial risk and mental health. When the concern is about workload, bullying or stress.

The whole series

1 Leading health and safety · 2 Trust and verify · 3 Shared duties · **4 Worker voice** · 5 When things go wrong · 6 Critical risks and critical controls · 7 Vehicles, mobile plant and traffic · 8 Working at height · 9 Psychosocial risk and mental health · 10 Work-related health · 11 Hazardous substances · 12 Asbestos · 13 Machinery, plant and energy isolation · 14 Remote, isolated and lone work

Sources

Worker voice in one minute

- The people who do the work often see the danger first.
- Engaging is a loop: share, listen, weigh it up, report back.
- Report back every time. "Not yet" and "no, because" are answers.
- Contractors and labour hire workers count too.
- Back anyone who stops unsafe work. Punishing them is an offence.
- Silence is not safety. Ask about the last concern raised.

The field guides

1 Leading health and safety
2 Trust and verify
3 Shared duties
4 **Worker voice**
5 When things go wrong
6 Critical risks and critical controls
7 Vehicles, mobile plant and traffic
8 Working at height
9 Psychosocial risk and mental health
10 Work-related health
11 Hazardous substances
12 Asbestos
13 Machinery, plant and energy isolation
14 Remote, isolated and lone work

vimes consulting

vimesconsulting.com
Field guide 4, edition 2.3
Published 27 October 2026

© Vimes Consulting 2026. Free to share, unchanged, with credit.