

Blog Mar 26

Health & Safety Reform – Let’s Get the Logic Right

There’s a lot of talk about the Health and Safety at Work Amendment Bill. From where I sit, working with horticulture and wine grape contractors, one simple question matters:

Does this law reflect how work is actually done in vineyards and orchards?

The Bill is heading in the right direction. I like the renewed focus on “critical risks” – the things that actually hurt people:

- Tractors and quad bikes
- Harvesters
- Vehicle movement
- Spray exposure
- Working at height
- Heat and weather exposure

That’s where attention should be.

But there’s one key assumption in the Bill that I think needs fixing. It largely defines proportionality by the number of employees. And in our sector and most others, that’s not how risk works. A tractor doesn’t become more dangerous because five extra seasonal workers are on site. A slope doesn’t get steeper because harvest has started. Spray drift doesn’t increase because payroll has increased. Risk in horticulture is driven by:

- The machinery
- The terrain
- The task
- The environment

Not headcount.

Yes, workforce size can affect supervision and coordination. It’s a factor. But it’s a control variable – not the primary risk driver. Here’s a real-world example. A contractor might employ 15 people most of the year. During harvest, they scale up to 50 for eight weeks. But those 50 workers aren’t on one big site. They’re split into crews of 8–10, each with a supervisor, working on different blocks for a few days at a time. The risk at each site is the same as when there were 15 workers.

Yet under a rigid 20-worker threshold, which the Bill stipulates, that business could flip into a higher regulatory category purely because of temporary labour demand. That’s not proportional regulation. Contractors don’t operate like factories. They move between properties. They run small, supervised crews. They work in short-duration deployments. Even larger seasonal operators function through small site-based teams. If we’re serious about proportionality, we need to recognise:

- Multi-site operations
- Small team deployment
- Seasonal workforce spikes
- Site-level risk management

Not just total employee numbers.

I support reform. I support strong health and safety standards. No one benefits from serious harm. But the logic needs to be right. Hazards create harm. Controls reduce risk. Headcount alone doesn’t define it.

If the small PCBU threshold is going to work for seasonal industries, it needs adjustment, either a higher number (40–50) or a rolling 12-month average that reflects how agricultural contracting actually operates.

The direction of reform is good. Now let's make sure it fits the real world.

If you're in horticulture or viticulture, submissions are open. Have your say.