

Australian Capital Territory

Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2020

Notifiable instrument NI2020–382

made under the

Work Health and Safety Act 2011, Schedule 2, Division 2.2.5, Section 2.39 (Ministerial statement of expectations)

1 Name of instrument

This instrument is the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2020*.

2 Commencement

This instrument commences on the day after notification.

3 Statement of Expectations

I make the Statement of Expectations as provided in the Schedule.

4 Consultation

I confirm that the Work Health and Safety Council has been consulted about the priorities and initiatives for the Office of the Work Health and Safety Commissioner in accordance with schedule 2, division 2.2.5, section 2.39 (2) of the *Work Health and Safety Act 2011*.

Suzanne Orr MLA
Minister for Employment and Workplace Safety
01/07/20

Schedule
(see s3)

Statement of Expectations 2020

**Office of the Work Health and Safety
Commissioner**

Introduction

This Statement of Expectations is made in accordance with schedule 2, division 2.2.5, section 2.39 of the *Work Health and Safety Act 2011* to describe priority activities and initiatives for the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

The activities and initiatives set out in this Statement have been developed in consultation with the ACT Work Health and Safety Council and are intended to inform the operation and management of WorkSafe ACT for the next 12 months.

Priority activities and initiatives

The establishment of the independent Office of the Work Health and Safety Commissioner (the Office) is a significant reform and opportunity to improve workplace safety across the ACT. Everyone has the right to a safe workplace with fair conditions. Safety is everyone's responsibility and the Office has an integral role in driving an outstanding work safety culture in the ACT through its regulatory compliance and enforcement activities, and advice to government, workers and employers.

In driving an outstanding safety culture across the ACT, the Office should focus on the expectations outlined in this statement over the next 12 months. Industry and community engagement is integral to cultural change so these priority initiatives and activities should be planned and implemented in partnership with ACT workers, trade unions, employers and representative bodies.

- *Present and Emerging Work Health and Safety Risks*

Our work practices and environments have changed significantly over the past decades and will continue to change into the future. As a result, the Government is focussed on ensuring our workplace health and safety laws are diligently updated to make sure they reflect the social, environmental and economic challenges of the day and provide the Office with a regulatory response that is in line with community expectations.

It is important to acknowledge the growing impact of psychosocial risks in the workplace and as our awareness of these impacts grows, it is vital that this area is prioritised in the Office's regulatory response.

Occupational Violence is another area of concern to the safety of working people. The impacts of actions from third parties to the wellbeing of workers is increasingly being recognised across all industries. It is important to make sure this is an area prioritised under the Office's regulatory response.

Our climate is changing which is resulting in the physical nature of our worksites changing too. Extreme heat, unpredictable weather and natural disasters are all having an impact on working conditions. The changing work environments in turn bring new risks to the health and safety of workers across the ACT requiring a regulatory response.

The economic indenture of individuals has long been an unacceptable work practice, yet we still face troubling instances of forced economic exploitation. While focus is traditionally on overseas instances and supply chain impacts, it is important to make sure that within our own jurisdiction, we are doing everything we can to prevent the exploitation of workers. Whether this exploitation be through modern day slavery or another practice, a focus should be placed on preventing any such activity, particularly where the health and safety of these workers is put at risk.

The Government is committed to strengthening the regulatory response to workplace exposure to silica dust and establishing industrial manslaughter as an offence under work health and safety legislation, and will welcome advice from the Office on these matters.

- *Construction Sector*

The construction sector remains one of the highest risk industries in the ACT. The poor results from the three compliance audits this year alone have demonstrated a worrying disregard for safety. The deaths of two workers at the beginning of the year have left no doubt of the need to improve the safety culture across the industry.

WorkSafe ACT initiatives to improve the safety culture should include an ongoing compliance program across the construction sector in the ACT. Recommendations for regulatory change to improve safety will be actively welcomed by Government and considered accordingly.

- *Operation of the Office*

WorkSafe ACT inspectors should be welcome at workplaces, where they are perceived by workers and employers alike to be effective at undertaking compliance and enforcement activity under work health and safety legislation. This activity should be the number one priority of the Commissioner and Office. Inspectors should also be a source of trusted and expert advice on work health and safety and workers' compensation.

Importantly, the inspectorate should be able to provide assistance across all of the areas it regulates, including work health and safety, workers' compensation, dangerous goods and workplace privacy.

WorkSafe ACT stakeholders expect to be able to engage with the Office using digital platforms that are accessible by all devices. WorkSafe ACT should also be in a position to capture and analyse data to inform compliance and enforcement activity.

To ensure that WorkSafe ACT compliance and enforcement activities are targeted and tailored, it will be important for WorkSafe to anticipate and understand the nature of changing work practices and critically, the impact that such change has on work health and safety.

A statement describing changes in the ACT safety risk profile and performance and highlighting related WorkSafe ACT initiatives should be prepared annually for tabling in the Legislative Assembly.

Initiatives to help achieve this outcome should focus on identifying sources of data and other business intelligence and building or accessing analytic capability. Evidence and analysis should also be used extensively when planning compliance and enforcement activities.

Initiatives to increase the inspectorate's capacity and capability should focus on increasing inspectorate awareness of key risks across all sectors and ensuring that the guidance provided to industry is contemporary, accessible and tailored to the needs of the people they are assisting.

WorkSafe ACT should focus on identifying non-compliance and addressing it through the application of the full range of compliance tools at WorkSafe's disposal, including prosecutions. WorkSafe's compliance and enforcement policy should provide accessible and transparent advice so that persons conducting a business or undertaking are aware of WorkSafe's approach.

Initiatives to assist in achieving this should include development of new and improved ways to access information and WorkSafe services including provision of a user friendly and informative website, enhanced inspectorate and licensing systems and other online services.

- *Implement outstanding recommendations of the 2018 Independent Review*

The ACT Government has accepted all recommendations made by the Independent Review of the ACT's work safety compliance infrastructure, policies and procedures. Work to implement the recommendations has progressed well to date, however a number of actions remain outstanding.

WorkSafe ACT should remain focused on fully implementing the recommendations of the review and ensure that consequent improvements to WorkSafe governance, technology, compliance and enforcement, and licensing arrangements are fully realised and effective.

- *Engagement with the ACT Work Health and Safety Council*

The ACT Work Health and Safety Council (WHS Council) plays an important role in advising the Minister and Government on matters relating to work health and safety in the ACT. The Office should engage productively with the WHS Council of which the WHS Commissioner is a member.

The WHS Council has indicated it would like to see the regulatory efforts of the Office focus on the following priority areas: industrial manslaughter; improved psychological health for workers in the Territory; implementation of recommendations from the 2018 Model Work Health and Safety Laws Review; improved work health and safety for workers in industries, including but not limited to, construction, education, health care and human services; preventing diagnoses of silicosis amongst ACT workers; prevention of occupational violence; and support for young and older workers. The WHS Council has also identified working in extreme climate conditions (such as extreme heat, cold or smoky environments) and COVID-19 as areas that require the close attention of WorkSafe ACT, with a view to assisting industry in building its capability to manage.

The WHS Council and ACT Government are committed to achieving a target of zero workplaces fatalities in the ACT and the Office should play a role in ensuring this target is achieved. Initiatives to reduce rates of injuries and fatalities should also be focused on the National Work Health and Safety Strategy 2012-2022 targets, particularly the reduction of at least 30 per cent in the incidence rate of claims resulting in one or more weeks off work and musculoskeletal disorders resulting in one or more weeks off work.

The Office should consider and respond accordingly to the priorities of the WHS Council to ensure the operations of the Office are responsive to issues identified by employee and employer representatives in the Territory.

Reporting against the Statement of Expectations

In line with schedule 2, section 2.41 (2) (c) of the WHS Act, WorkSafe should report on its approach to implementing the priority activities and initiatives set out in this Statement.