

Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2022

Notifiable instrument NI2022–504

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 2022*.

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*.

5 Revocation

This instrument revokes the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2021* [NI2021-467].

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety

10 October 2022

Schedule
(see s3)

Statement of Expectations 2022

**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* (WHS Act) 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 (WHS) Council and are intended to inform the operation and management of WorkSafe ACT for the next 12 months.

Priority activities and initiatives

Established as an independent authority, WorkSafe ACT is responsible for regulatory compliance and enforcement activities under the ACT's work health and safety laws. Everyone has the right to a safe workplace with fair conditions. Safety is everyone's responsibility and WorkSafe ACT 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, WorkSafe ACT should focus on the expectations outlined in this statement over the next 12 months. This statement recognises the significant and ongoing nature of the priorities highlighted in the previous *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2021* [NI2021-467] and *WorkSafe ACT's 2020-2024 Strategic Plan*.

Industry and community engagement is integral to improving cultural change. Priority initiatives and activities should be planned and implemented taking into consideration the views of ACT workers, trade unions, employers, their representative bodies and the WHS Council.

- *Present and Emerging Work Health and Safety Risks*

- Psychosocial hazards in the workplace

- The impact of psychosocial hazards in the workplace is well known. WorkSafe ACT should continue its work in this important area and continue to influence improvements in the mental health of Canberrans through education, and compliance and enforcement.

- Work related violence, sexual harassment and sexual assault are hazards which should be appropriately risk managed to ensure the health and safety of working people. The recommendations of the Work Health and Safety Council's *Preventing and Managing Work-Related Violence Report*, through its Work-Related Violence Advisory Committee, is acknowledged as is the ongoing national focus on these issues. WorkSafe ACT should prioritise educating workplace participants of their obligations and ensuring compliance with these obligations.

WHS compliance within ACT Government

It is important that ACT Government directorates and agencies lead by example in meeting their duties and obligations under the WHS Act.

WorkSafe ACT should focus on ensuring WHS compliance within the ACT Government utilising appropriate and proportionate education, awareness, compliance and enforcement activities.

Persons conducting business or undertakings (PCBUs) in supply chains

PCBUs have an important role in ensuring workplaces are safe, particularly within a supply chain in an organisation. The WHS Act imposes health and safety duties on all PCBUs in the Territory, as well as duties to their officers and workers. All PCBUs are required to be aware of their health and safety duties under the WHS Act, and are responsible for the elimination of factors, risks and hazards that might contribute to unsafe workplaces.

The recent national updates to codes of practice, adopted in the Territory, and guidance material to deal with a PCBUs' duties and obligations within a supply chain is acknowledged. WorkSafe ACT should prioritise raising awareness of PCBUs of their duties under the WHS Act in these respects.

Impacts of climate change in the workplace

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. Changing work environments in turn bring new risks to the health and safety of workers across the ACT requiring a regulatory response.

In response to recommendations from the WHS Council, through its Extreme Weather Conditions Advisory Committee, WorkSafe ACT should develop specific and nuanced guidance material for air quality and extreme heat risks to improve industry capability to manage these issues in the workplace.

Workplace deaths

The ACT Government is committed to achieving a target of zero workplace fatalities and WorkSafe ACT is integral to preventing work related serious injury, disease and fatality.

WorkSafe ACT should also ensure that improvements to the supports available to families in the event of a workplace death or serious injury continue to meet community expectations and deliver better outcomes for families impacted by workplace deaths or serious workplace injuries.

- *Construction Industry*

The construction industry is consistently one of the highest risk industries in the ACT. WorkSafe ACT should maintain its strong and ongoing focus on construction industry safety standards and compliance in both the residential and commercial sectors.

- *Operation of WorkSafe ACT*

Effective compliance and enforcement plays a critical role in promoting compliance with work injury and safety laws.

WorkSafe ACT should remain focused on ensuring its governance and operations remain contemporary and are effective. WorkSafe ACT should continue to ensure that recent improvements to WorkSafe's operations, particularly capability development, are fully realised and effective.

WorkSafe ACT should be a source of trusted and expert information on compliance with WHS and workers' compensation obligations.

Importantly, stakeholders should be able to access information across all of the areas WorkSafe ACT regulates, including WHS, workers' compensation, hazardous substances, dangerous goods, labour hire licensing, and workplace privacy.

Stakeholders expect to be able to engage with WorkSafe ACT 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.

- *Performance of WorkSafe ACT*

WorkSafe ACT should ensure that its accountability indicators remain contemporary, are linked to outcomes and align with the strategic objectives of the regulator. In particular, the accountability indicators should align with a strong community and workplace presence of the regulator, an awareness of the regulator and demonstrate the regulator's capability building investments.

- *Engagement with the WHS Council*

The WHS Council plays an important role in advising the Minister and Government on matters relating to WHS in the ACT. The Work Health and Safety Commissioner is an ex-officio member of the WHS Council and should ensure WorkSafe ACT's activities 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 ACT should report on its approach to implementing the priority activities and initiatives set out in this Statement within its Annual Report.