

# Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2022

Notifiable instrument NI2022-625

made under the

***Work Health and Safety Act 2011, Schedule 2, Division 2.2.5, Section 2.40 (Statement of operational intent)***

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**1 Name of instrument**

This instrument is the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2022*.

**2 Commencement**

This instrument commences on the day after notification.

**3 Approval – Schedule 2, section 2.40 (2)**

I approve the attached Statement of Operational Intent for the Office of the Work Health and Safety Commissioner.

**4 Revocation**

This instrument revokes the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2021* [NI2021-606].

Mick Gentleman

Minister for Industrial Relations and Workplace Safety

5 December 2022

Mick Gentleman MLA  
Minister for Industrial Relations and Workplace Safety

Email: [Mick.Gentleman@act.gov.au](mailto:Mick.Gentleman@act.gov.au)

Dear Minister Gentleman

Thank you for your letter of 10 October 2022. I acknowledge receipt of the Ministerial Statement of Expectations in which you outline the priorities, activities and initiatives expected of the Office of the Work Health and Safety Commissioner (WorkSafe ACT) over the next 12 months. As prescribed under Schedule 2, section 2.40 of the *Work Health and Safety Act 2011* (WHS Act), this response is the WorkSafe ACT Statement of Operational Intent 2022.

I am pleased and proud of WorkSafe ACT's full implementation of the 27 recommendations from the 2018 *Independent Review of the ACT's Work Safety Compliance Infrastructure, Policies and Procedures* (the Independent Review). The Independent Review was conducted by Dr Claire Noone of the Nous Group and was the first broad review of the ACT's WHS compliance and enforcement arrangements since the adoption of the national model WHS legislation in 2011.

The purpose of the Independent Review was to consider the appropriateness and effectiveness of the ACT's compliance and enforcement infrastructure, policies, and procedures – specifically considering:

- the approach to safety compliance and enforcement detailed in WorkSafe ACT's Compliance Framework
- the appropriateness and effectiveness of WorkSafe ACT's governance structure, including the roles, legislative responsibilities and functions of the Work Safety Commissioner, the Regulator, and relevant Ministers
- the appropriateness and effectiveness of WorkSafe ACT's organisational structure, including consideration of its independence and operational effectiveness in its current status as a business unit within Access Canberra, and
- the ACT's collection, use and analysis of data and the impact and effectiveness of information sharing within Access Canberra and across government to drive work safety compliance and enforcement activities.

The suite of legislative, governance and administrative recommendations identified by the Independent Review directly led to the establishment of a new independent regulatory entity and provided the foundation for transition of WorkSafe ACT out of Access Canberra. WorkSafe ACT's *Strategic Plan 2020-2024* and its *Compliance and Enforcement Policy 2020-2024*, together with your [Statement of Expectations 2022](#) notified on 13 October 2022, inform our compliance monitoring and enforcement activities, and are central to achieving our mission "to protect workers and ensure compliance with workplace obligations". These foundations also underpin WorkSafe ACT's vision for "healthy, safe, and productive working lives".

WorkSafe ACT is committed to improving physical and psychological health and safety standards in Canberra's workplaces and creating a strong culture of safety in the ACT. I believe this is achievable with a strong and consistent regulatory approach and by holding duty holders accountable for creating and maintaining safe and healthy work environments.

Although I am confident WorkSafe ACT now has the supporting infrastructure in place to achieve our mission and vision, we will continue to adapt, learn and grow. WorkSafe ACT is an intelligence-led organisation, drawing on a combination of data analysis, intelligence and information gathered through working with industry, unions, duty holders, workers, and the broader Canberra community. This intelligence identifies emerging trends and shapes WorkSafe ACT's priorities for the coming year within the framework of the four high-level strategies that underpin our activities:

1. ensuring fair and firm enforcement against non-compliance
2. minimising physical and psychological harm and improving WHS practices and culture
3. engaging with stakeholders to better understand and respond to current and emerging WHS issues, and
4. creating an exemplary regulator.

Your [Statement of Expectations 2022](#) developed in consultation with the ACT Work Health and Safety Council (the WHS Council), describes the priority activities and initiatives you expect WorkSafe ACT to action. In summary these are:

- addressing present and emerging WHS risks including:
  - psychosocial hazards in the workplace
  - WHS compliance within ACT Government directorates and agencies
  - duties within supply chains
  - impacts of climate change in the workplace, and
  - workplace deaths.
- a strong and ongoing focus on construction industry safety standards and compliance in both the residential and commercial sectors
- a continued focus on ensuring WorkSafe ACT's governance and operations remain contemporary and are effective
- being a source of trusted and expert information on compliance with WHS and workers' compensation obligations
- providing access to information across all of the areas WorkSafe ACT's regulatory responsibility, including WHS, workers' compensation, hazardous substances, dangerous goods, labour hire licensing, and workplace privacy
- ensuring WorkSafe ACT's accountability indicators remain contemporary, and are linked to outcomes that align with strategic objectives, and
- an ongoing engagement with the WHS Council.

Consequently, WorkSafe ACT's focus areas for 2022-2023 include:

### **Addressing psychosocial hazards in the workplace**

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)



WorkSafe ACT will continue to implement and evaluate the *Strategy for Managing Work-Related Psychosocial Hazards 2021-2023* (Psychosocial Strategy) which guides the activities of WorkSafe ACT. In 2022-23 these activities will include:

- increasing awareness of existing and new psychosocial resources through the implementation of a communications plan
- developing resources for employers and workers to assist with improving psychosocial hazard identification and management
- improved capability for WorkSafe ACT Inspectors to target psychosocial hazards at workplace inspections, and
- developing and fostering relationships with general and industry-specific subject matter experts.

In addition to the Psychosocial Strategy, a range of activities will be undertaken to implement the associated *Managing Work-Related Violence and Aggression Plan 2021-23* and the *Managing Work-related Sexual Harassment Plan 2021-23*. In line with these plans, in 2022-23 in partnership with industry, unions and relevant stakeholders WorkSafe ACT will focus its activities on awareness raising, and developing and distributing targeted industry specific resources aimed at reducing the prevalence of work-related sexual harassment in ACT workplaces.

### **Ensuring WHS compliance within an ACT Government which leads by example**

From a WHS perspective, the ACT public sector (ACTPS) is the largest and most diverse business that WorkSafe ACT regulates. The ACTPS has broad responsibilities including the management of parks, greenfield and brownfield construction developments, public transport, fire and ambulance services, municipal services, health, education and justice systems, including corrections, and community support services.

Delivering each of these services poses both common and specific risks to worker safety, including:

- physical risks such as:
  - slips, trips and falls, and
  - musculoskeletal disorders.
- psychosocial risks such as:
  - work-related violence
  - stress and fatigue, and
  - workload.

To improve rates of compliance, in 2022-23 WorkSafe ACT will develop a targeted ACTPS strategy which will be implemented utilising appropriate and proportionate education, awareness, compliance and enforcement activities. Stakeholder engagement with directorates and agencies will occur during the strategy's development to identify key priorities and objectives.



## **Raising awareness of WHS duties for PCBUs in supply chains**

Underpinning the importance of this Ministerial expectation is the fact that supply chains was identified as one of seven national action areas in the *Australian Work Health and Safety Strategy 2012-2022*. WorkSafe ACT expects that commercial relationships within supply chains are used to improve WHS outcomes and that a culture of safety is embedded within.

Many small businesses operate at the bottom of supply chains and the resulting contractual arrangements play a pivotal role in affecting working conditions. There is an opportunity in the ACT to establish and reinforce the expectation that large businesses should either develop, or share, safety systems with small businesses who operate within their supply chain/s.

In 2022-23 WorkSafe ACT will establish a new team to concentrate on civil construction projects (e.g. light rail from Civic to Woden). The objective of the team will be to ensure that principal contractors have safety systems in place encompassing all supply chain sub-contractors. In undertaking this and other work, the team will have a targeted focus on duty holder consultation within supply chains.

## **Addressing work related Impacts of climate change**

Given the ever-changing nature and impacts of climate change, it is possible that Commonwealth, state and territory WHS regulators have developed information and guidance material for climate hazards that WorkSafe ACT has not yet considered.

Noting this, and in addition to ensuring our existing guidance material remains contemporary, WorkSafe ACT will undertake a review of content from other WHS regulators to determine whether additional ACT specific guidance is necessary to support the implementation and enforcement of relevant ACT Codes of Practice.

## **Ensuring that all workers and workplaces across the Territory are safe and healthy**

WorkSafe ACT is committed to preventing work-related serious injury, disease, and fatality for all workers in all workplaces. In 2022-23 WorkSafe ACT will continue to implement and evaluate the five strategies it launched in 2021-22:

- managing work-related psychosocial hazards
- young workers
- occupational lung diseases
- preventing musculoskeletal disorders, and
- residential construction.

WorkSafe ACT will continue its strong focus on improving health and safety outcomes for young workers through the ongoing implementation of its Young Workers Strategy through the permanent engagement of a Young Workers' Strategy Coordinator to work in collaboration with relevant stakeholders and the Young Workers' Inspector.

During the year WorkSafe ACT will also develop a strategy to raise awareness of the risks of hazardous chemicals. This will build on the work already underway relating to asbestos, lead, silica and occupational lung diseases.



I have also agreed, in-principle, to the implementation of all recommendations falling within the scope of WorkSafe ACT following the *Conduct of Work Health and Safety Prosecutions Review* undertaken by Marie Boland. This includes any improvements suggested to our existing supports already in place to support families in the event of a workplace death or serious injury.

WorkSafe ACT is committed to implementing, educating duty holders and enforcing any changes made to the Territory's WHS framework, including legislative amendments made to reflect changes at the national level.

### **Continuing to work to improve the safety culture in the construction industry**

WorkSafe ACT will maintain its strong and ongoing focus to improve compliance and safety standards across residential, commercial and civil construction sectors through specific strategies for each segment of this industry. We are also committed to continued engagement with stakeholders and social partners to promote a culture of safety and to provide appropriate information and guidance materials.

The updated *Residential Construction Strategy 2022-24* captures WorkSafe ACT's approach to improving safety behaviours and compliance in the residential construction industry. The strategy will guide the activities of WorkSafe ACT in the residential construction sector over the next two-years. Planned implementation activities to support the strategy in 2022–23 include:

- improved training and information for inspections
- improved data granularity through reporting mechanisms, including the use of iAuditor checklists to link residential construction with other WorkSafe ACT priorities and strategies
- continuing stakeholder engagement through workplace visits, education activities and industry events, and
- development of resources for businesses in the residential construction industry (e.g. updated guidance material for safe work method statements and WHS management plans).

In addition to implementing existing strategies, a priority for 2022–23 will be the finalisation of a Commercial and Civil Construction Strategy. Consistent with existing strategies, this strategy will be evidence based and target priority hazards and management systems.

A key focus for WorkSafe ACT will be its continued dedicated response to the changing regulatory environment for managing workplace exposure to silica dust. WorkSafe ACT will continue to support workers and industry with appropriate education, communication, and guidance, and by undertaking compliance and enforcement activities.

### **Continue to improve the operational efficiency of WorkSafe ACT**

A key component of our commitment to continuous improvement is building inspector capability. In 2022-23 WorkSafe ACT will deliver and embed its 12-to-24-month induction and inspector training program. The training will be a combination of on the job training and formal internal and external training with a registered training organisation, leading to a Diploma of Government Inspections.



Associated with this training, and to ensure a return on investment, a Quality Assurance Framework is under development to improve the standard of inspections and the quality of associated documentation and notices. It will also assist in identifying capability gaps and areas for further training and improvement.

During 2022-23, WorkSafe ACT will also undertake reviews of its *Strategic Plan 2020–2024* and *Compliance and Enforcement Policy 2020–2024* to ensure WorkSafe ACT's foundation documents remain contemporary and reflect national priorities and targets anticipated to be identified through Safe Work Australia's new *Australian WHS Strategy* and an updated *National Compliance and Enforcement Policy* both scheduled for publication in 2023.

In 2022-23 WorkSafe ACT will review its existing accountability indicators currently reflected in *Output Class 1 (Output 1.1): WorkSafe ACT* in 2022-23 Budget Statement B. The review will be conducted to ensure the indicators are contemporary, measurable, and linked to WorkSafe ACT's strategic objectives. Underpinning the review will be a focus on including accountability indicators that align with the strong community and workplace presence of WorkSafe ACT and demonstrate our capability building investments.

Consideration will also be given to including indicators which may measure any new WHS outcomes set out in Safe Work Australia's new *Australian WHS Strategy*.

### **Ongoing engagement with the WHS Council**

As an ex-officio member of the WHS Council, the WHS Commissioner will continue to participate in WHS Council meetings and collaborate with its members as set out in the WHS Act. WorkSafe ACT will undertake work requested of it by the WHS Council and assist in the implementation of its agenda as appropriate.

Thank you for your continued interest in ensuring the health and safety of all ACT workers in all ACT workplaces. I look forward to continuing to work with you and the Executive in this critically important area.

Yours sincerely

**Jacqueline Agius**

Work Health and Safety Commissioner

November 2022

