

Australian Capital Territory

# Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2021

Notifiable instrument NI2021–467

made under the

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

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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 Expectations 2021*.

## 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 2020* [NI2020-382].

Mick Gentleman MLA  
Minister for Industrial Relations and Workplace Safety  
27/7/2021

**Schedule**  
(see s3)

# **Statement of Expectations 2021**

**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 2020* [NI2020-382] 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 and sexual harassment are hazards which should be appropriately risk managed to ensure the health and safety of working people. The national focus on these issues is acknowledged and WorkSafe ACT should prioritise educating workplace participants of their obligations and ensuring compliance with these obligations.

### Silica dust exposure in the workplace

The Government is committed to ensuring a continued regulatory response to workplace exposure to silica dust. WorkSafe ACT should consider initiatives and activities to drive improved compliance across the ACT with WHS legislation, in particular ensuring employers are meeting their obligations in regards to health monitoring for workers and airborne contaminant monitoring.

The Government continues to welcome advice from WorkSafe ACT on this issue.

### 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 central in preventing work related serious injury, disease and fatality.

WorkSafe ACT should also actively implement the *National Principles to support families following an industrial death* to improve the support available to families in the event of a workplace death or serious injury.

- *Construction Industry*

The construction industry is consistently one of the highest risk industries in the ACT. The results from compliance audits during 2020-21 demonstrate a pervasive and worrying approach to work safety. 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*

WorkSafe ACT should remain focused on ensuring its governance and operations continue to build on the recommendations of the 2018 Independent Review of the ACT's work safety compliance infrastructure, policies and procedures and ensure that consequential 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 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.

- *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 WHS 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 should report on its approach to implementing the priority activities and initiatives set out in this Statement.