

# Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2023

Notifiable instrument NI2023–676

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 2023*.

## 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 2022* [NI2022-504].

Mick Gentleman MLA  
Minister for Industrial Relations and Workplace Safety

1 November 2023



**ACT**  
Government

# Ministerial Statement of Expectations 2023

Office of the Work Health and Safety  
Commissioner

## Introduction

The Office of the Work Health and Safety Commissioner (WorkSafe ACT) is established under the *Work Health and Safety Act 2011* (the WHS Act) as an independent, prescribed Territory authority headed by the Work Health and Safety Commissioner (WHS Commissioner) who is the Territory's WHS Regulator.

WorkSafe ACT supports the WHS Commissioner in administering the Territory's work, health, and safety related legislation by providing information, advice, and support as well as compliance and enforcement activities.

In accordance with schedule 2, division 2.2.5, section 2.39 of the WHS Act, the Minister for Industrial Relations and Workplace Safety (the Minister) must make a statement to the WHS Commissioner about the priority activities and initiatives for WorkSafe ACT at least once every 12-months.

This statement does not include specific direction about the exercise of a regulatory function under the Act but may include general directions about the priority activities and initiatives for WorkSafe ACT, and any information that the Minister believes will assist with the implementation of the statement.

As required by the Act under section 2.39 (2), the ACT's Work Health and Safety Council (WHS Council) was consulted on the priority activities and initiatives set out in the following *Statement of Expectations 2023* (the Statement) – which repeals the previous *Statement of Expectations 2022* [NI2022-504].

## Priority activities and initiatives

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 statement 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

Safe Work Australia's [Australian Work Health and Safety \(WHS Strategy\) 2023-2033](#) (the Strategy) aims to respond to key WHS challenges and risks across Australia over the next ten-years and sets a unifying national goal to reduce worker fatalities, injuries and illness.

The Territory contributes to outcomes under the national WHS Strategy through the identified National priorities and challenges, those being:

- worker fatalities
- psychosocial hazards in the workplace
- the existence of more complex supply chains
- evolving climate related risks
- health and safety vulnerable populations
- hybrid work arrangements
- health and safety impacted by workforce size changes
- small business.

## Reducing worker fatalities

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.

Targeting attention and activities to those industries with the highest rates of injury and illness, particularly where there is a history of fatality would assist in reducing work related fatality.

WorkSafe ACT should also ensure that 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.

## Psychosocial hazards in the workplace

In September 2023, the ACT Government strengthened the Territory's work health and safety laws to better protect workers from workplace psychosocial hazards by releasing a new *ACT Managing Psychosocial Hazards at Work Code of Practice* and associated Regulation amendments, which commence on 27 November 2023.

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.

## The existence of more complex supply chains

Persons Conducting a Business or Undertaking (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 risks and hazards that might contribute to unsafe workplaces.

The scope of global supply chains is increasing. This is associated with increasing consumer demand for a wider array of goods and influenced by recovery from unprecedented pressures from COVID-19 on supply chains. With broadening scope and more participants within global supply chains, PCBUs must consider WHS risks more systematically and ensure there is clarity in relation to their WHS duties and responsibility.

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

A warming planet and changing environment means that our physical worksites are also changing. Extreme temperatures, 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.

The recent updates to guidance materials by WorkSafe ACT on the impacts of climate change in the workplace is acknowledged.

WorkSafe ACT should continue its work in this area, including promoting awareness of climate change impacts on the workplace and maintaining guidance materials to improve industry capability to manage these issues in the workplace.

### **Health and safety of workers in vulnerable populations**

PCBUs must consider the needs of all workers in designing safe work systems. Some factors known to impact workers' WHS vulnerability include being younger, being from a culturally and linguistically diverse (CALD) background and working alone or in isolation. One size fits all communication approaches and generic WHS practices can expose workers to limited WHS capability development and greater workplace risks.

WorkSafe ACT should continue to support stakeholders and PCBUs to engage in WHS communication and practices that promote WHS knowledge and understanding in and of all worker populations.

### **Hybrid work arrangements**

The COVID-19 pandemic sparked a shift to working from home and more flexible working arrangements across a range of occupations. Hybrid work models may change or create new WHS risks, including psychosocial risks, that PCBUs need to manage.

WorkSafe ACT should continue its work in this area, including promoting awareness of safe hybrid work practices and potential risks and impacts on workers.

### **Health and safety impacted by workforce demographic and size changes**

It is recognised that workplaces may be affected by changes in workforce demographics, size and staffing shortages that can adversely impact worker health and safety. In particular, psychosocial hazards such as low staffing levels contribute to hazards such as poor workplace support and violence and aggression in the workplace. Workforce size/shortages have an acute impact of safety particularly in service areas that must continue operating, which in turn places a greater importance on upstream design of work and systems of work to manage these risks to effectively manage hazards in the workplace, not limited to psychosocial hazards.

WorkSafe ACT should continue to support stakeholders and PCBUs to engage in WHS practices that address health and safety where there are ongoing workforce shortages, particularly in service sectors.

### **Small business – improving work health and safety**

Small businesses frequently have fewer resources to dedicate to understanding WHS requirements and obligations than larger ones.

WorkSafe ACT should provide tailored and targeted materials and information that better support small business in achieving health and safety outcomes and building working environments with a positive safety culture. This would complement work already done by the regulator in supporting small businesses in understanding their health and safety duties when employing young workers.

## Priority industries

In the national WHS Strategy, the construction industry and public administration industry are both highlighted as high-risk industries. These industries are also priorities in the ACT.

The ACT construction industry continues to experience a higher frequency rate of serious injury claims than the national average, an upward trend comparative to previous years which is consistent with the national trend.

The ACT public administration industry continues to experience a frequency rate of serious claims marginally below the national average, however risk levels should be improved.

These frequency rates are considered to be a good general indication of WHS trends.

## Construction Industry

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

## 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 facilitating WHS compliance within the ACT Government utilising appropriate and proportionate education, awareness, compliance and enforcement activities.

## Operation and performance of WorkSafe ACT

### Operation

Effective compliance and enforcement play a critical role in promoting compliance with work injury and safety laws, as well as embedding good WHS practices in all work across all industries.

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, 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**

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 and reporting**

### **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 2023**

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.