

Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2023

Notifiable instrument NI2023-851

made under the

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

1 Name of instrument

This instrument is the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2023*.

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 2022 [NI2022-625]*.

Mick Gentleman

Minister for Industrial Relations and Workplace Safety

21 December 2023

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety

Email: Mick.Gentleman@act.gov.au

Dear Minister Gentleman

Thank you for your letter dated 6 November 2023. I acknowledge receipt of the Ministerial Statement of Expectations in which you outlined the priorities, activities and initiatives expected of 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 Office of the Work Health and Safety Commissioner's (WorkSafe ACT) Statement of Operational Intent 2024.

As the regulator for work health and safety (WHS), workers' compensation and labour hire in the Territory, I reconfirm WorkSafe ACT's continued commitment to ensuring the health, safety, and wellbeing of all workers in the ACT. As with the previous two years, this commitment is outlined in the *WorkSafe ACT Strategic Plan 2020-2024*.

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 allows us to identify emerging trends and informs and shapes WorkSafe ACT's priorities for the coming year.

WorkSafe ACT is driven by four high-level strategies that underpin our activities and helps us to deliver measurable outcomes for the Territory:

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 2024*, notified on 6 November 2023, and developed in consultation with the ACT Work Health and Safety Council (the WHS Council), describes priority activities and initiatives for WorkSafe ACT to action. In summary these are:

- addressing present and emerging WHS risks, including:
 - worker fatalities
 - psychosocial hazards in the workplace
 - the existence of more complex supply chains
 - impacts of climate change in the workplace
 - health and safety in vulnerable populations
 - hybrid work arrangements
 - workforce demographic and size changes, and
 - small businesses
- a strong and ongoing focus on construction industry safety standards and compliance in residential, civil and commercial sectors
- continuing focus on the ACT public administration industry to support compliance
- facilitating WHS compliance within the ACT Government utilising appropriate and proportionate education, awareness, compliance and enforcement activities
- a continued focus on ensuring WorkSafe ACT:
 - has contemporary and effective governance and operations
 - is a source of trusted and expert information on compliance with WHS and workers' compensation obligations
 - provides access to information across all of the areas of WorkSafe ACT's regulatory responsibility, including WHS, workers' compensation, hazardous substances, dangerous goods, labour hire licensing, and workplace privacy
 - has contemporary accountability indicators linked to outcomes that align with strategic objectives, and
 - has ongoing engagement with the WHS Council.

Consequently, WorkSafe ACT's focus areas for 2024 include:

Reducing worker fatalities

WorkSafe ACT will target industries with the highest rates of serious injuries, particularly for workplaces where there is a repeated history of failure to manage WHS risks. Proactive and responsive activities will focus on strong regulatory enforcement to prevent worker fatalities in the high risk sectors, including construction.

In 2023, WorkSafe ACT agreed 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. WorkSafe ACT will work with the ACT Government to progress these recommendations.



WorkSafe ACT will continue our important work supporting the families who have been impacted by a workplace death or serious injury with a focus on improved access to information and service delivery.

Addressing psychosocial hazards in the workplace

In 2024, WorkSafe ACT will continue to promote and enforce compliance with the work health and safety requirements for managing psychosocial hazards. New regulations came into effect in 2023, supported by the *Code of Practice for Managing Psychosocial Hazards at Work*.

WorkSafe ACT will continue to support workplaces in the Territory to understand and carry out their duties to effectively manage psychosocial hazards. Some of these activities will include:

- increasing awareness of existing psychosocial resources through targeted communication
- increased numbers of psychosocial proactive workplace visits
- developing additional 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.

WorkSafe ACT will also continue work to reduce the prevalence of work-related sexual harassment and work-related violence in the ACT, while encouraging reporting of incidents. The work-related sexual harassment awareness campaign will continue in 2024, with new resources developed to support workplaces to identify and manage these risks.

Complex supply chains

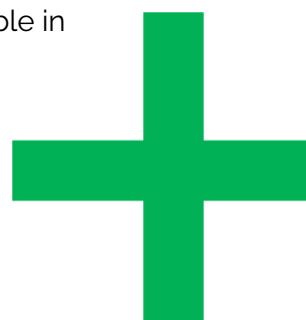
WorkSafe ACT expects that commercial relationships within supply chains should be used to improve WHS outcomes and ensure a strong safety culture.

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 2023, WorkSafe ACT established a new team to concentrate on civil construction projects (e.g. light rail from Civic to Woden). This work will continue into 2024, using stakeholder engagement to promote resources and provide information to duty holders to ensure they understand their responsibilities when operating in a supply chain.

Targeted compliance and enforcement activities will remain a focus in 2024 to ensure there are safe systems in place encompassing all supply chain sub-contractors.

WorkSafe ACT will actively work with other regulators and Safe Work Australia to leverage existing resources and make this material readily available and applicable in the ACT.



Work-related impacts of climate change

Given the ever-changing nature and impacts of climate change, WorkSafe ACT will continue work to promote awareness of climate change and its effect on workplace health and safety.

Existing guidance material will be maintained and promoted. WorkSafe ACT will continue to monitor changes in the ACT that are a result of climate change and update guidance as required.

Health and safety of workers in vulnerable populations

WorkSafe ACT understand the importance of supporting young and vulnerable workers in the ACT. Several initiatives implemented in 2023 to support young and vulnerable workers, including forming a dedicated vulnerable workers inspectorate team and engaging a Young Workers Strategy Coordinator will continue in 2024. The activities undertaken under the *Young Workers Strategy 2021-23* will be evaluated to guide the development of further resources and guidance.

The dedicated Vulnerable Workers Inspectors will focus on engaging with persons conducting a business or undertaking (PCBUs) to ensure vulnerable workers are appropriately supported in the workplace. In 2024, WorkSafe ACT will continue to focus on the health and safety of vulnerable populations through:

- Attendance at events for young workers, such as career expos
- Increasing awareness of WHS rights and responsibilities, including:
 - continuing to translate guidance material into languages other than English
 - delivering presentations to apprentices, young workers, women and workers from non-English speaking backgrounds
 - monitoring compliance with requirements under the *Labour Hire Licensing Act 2020* and *Workers Compensation Act 1951*
- Developing and maintaining guidance material for young workers and their employers, particularly the Young Workers web portal.

Hybrid work arrangements

During the COVID-19 pandemic, WorkSafe ACT provided information to workers and PCBUs on managing risks of COVID-19, including through utilising hybrid work arrangements. As these arrangements continue in many workplaces, WorkSafe ACT will continue to promote safe work practices and provide advice on managing the risks associated with hybrid work.

Psychosocial risk management is a key priority for WorkSafe ACT, and consideration of the relevant hazards and risks introduced through hybrid working arrangements is an important factor in this work. A review of our existing guidance material and its applicability to hybrid work arrangements will be carried out in 2024, with updates and additional material developed as required to ensure workers and PCBUs are aware of safe work practices when utilising hybrid work arrangements.



Workforce demographic and size changes

WorkSafe ACT will continue to promote WHS practices that address health and safety in workplaces that are impacted by workforce and demographic and size changes.

Workforce demographic and size changes can have a significant impact on how workplaces operate. Staff shortages can lead to increased risks of occupational violence and work-related stress.

WorkSafe ACT's focus in 2024 will be on supporting stakeholders and PCBUs to manage risks using an 'upstream' approach. This approach involves designing safe work systems to prevent or reduce the risks that occur in the workplace. The promotion of the hierarchy of controls will continue to be a focus in our guidance material to support safe work design.

Workplaces that are more impacted by workforce demographic size changes, such as the service sector, will be targeted in communication activities to ensure PCBUs understand how to manage these hazards. Work implemented under the *Managing work-related violence and aggression plan 2021-23* will continue through 2024, with a focus on providing education regarding compliance obligations and undertaking compliance activities.

Small business

The ACT has a large proportion of small businesses across multiple industries, including retail, hospitality, and construction.

While WHS rights and responsibilities are not lessened based on the size of the business, the type of risks and the resources available to manage them will be different for smaller businesses.

WorkSafe ACT understands the importance of tailoring information to small businesses to ensure they understand their WHS obligations. In 2024, WorkSafe ACT will expand on existing guidance available, including the development of dedicated web content for owners of small businesses.

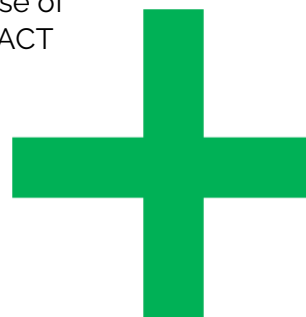
Education and awareness activities will be carried out to ensure that small businesses are able to understand their WHS duties and the importance of developing a positive safety culture.

Continuing compliance activities 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. Planned implementation activities to support the strategy in 2024 include:

- improved training and information for inspections
- improved data granularity through reporting mechanisms, including the use of inspection 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).

WorkSafe ACT will also prioritise its response to the changing regulatory environment for managing workplace exposure to silica dust by supporting workers and industry with appropriate communication and guidance, and by undertaking compliance and enforcement activities as appropriate.

WorkSafe ACT will move to a stronger, prosecution-focused compliance and enforcement strategy for the residential construction industry, with a focus on identified repeat offenders that are continuously failing to keep their workers safe. Those PCBUs will be investigated and have prosecutions brought against them where appropriate.

Improved operational efficiency of WorkSafe ACT

A key component of our commitment to continuous improvement is building inspector capability. In 2023, WorkSafe ACT introduced an 18-month inspector training program utilising a combination of internal and external training with a registered training organisation, leading to a Diploma of Government Inspections. The effectiveness of this training model will be evaluated in early 2024 with lessons applied in early 2024-25.

Work will continue on the implementation of a formal Quality Assurance Framework focusing on improving the standard of inspections and the quality of associated documentation and notices. Informal quality checking arrangements have assisted in identifying capability gaps and areas for further training and system modification and improvement.

Performance of WorkSafe ACT

In 2022-23, WorkSafe ACT reviewed its existing accountability indicators. The review was conducted to ensure the indicators were contemporary, measurable, and linked to WorkSafe ACT's strategic objectives. As a result, considerable changes were made:

- discontinuing indicators where performance was outside of WorkSafe ACT's control or those indicators where performance outcomes were difficult to determine, and
- including new indicators which better reflect community and stakeholder expectations of WorkSafe ACT performance.

WorkSafe ACT's Accountability Indicators are included in the *ACT Budget Statements 23-24* (see pages 260-261). Systems to effectively measure and report against the indicators have been put in place. Performance against the indicators will be reported in the Statement of Performance in the Office of the Work Health and Safety Commissioner Annual Report 2023-24.

In early 2024 WorkSafe ACT will also begin development of its Strategic Plan 2024-2028. The revised strategic plan will be developed in the context of Safe Work Australia's *Australian Work Health and Safety Strategy 2023-2033*. WorkSafe ACT will also review its *Compliance and Enforcement Policy 2020-2024* to ensure it reflects contemporary practice and changes at a national level.



WorkSafe ACT will consult with stakeholders in the development of its revised foundation documents during 2024 with release expected in early 24-25.

Ongoing engagement with the WHS Council

As an ex-officio member of the WHS Council, I will continue to participate in WHS Council meetings and collaborate with its members as set out in the WHS Act. Importantly in 2024 this will include actively consulting the WHS Council during the development of the strategic plan and compliance and enforcement policy.

I thank you and the WHS Council for your commitment to ensuring all ACT workers in all workplaces return safely home from work. WorkSafe ACT shares this commitment.

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

Labour Hire Licence Commissioner

15 December 2023

