

CM22/14315

Portfolio/s: Chief Minister

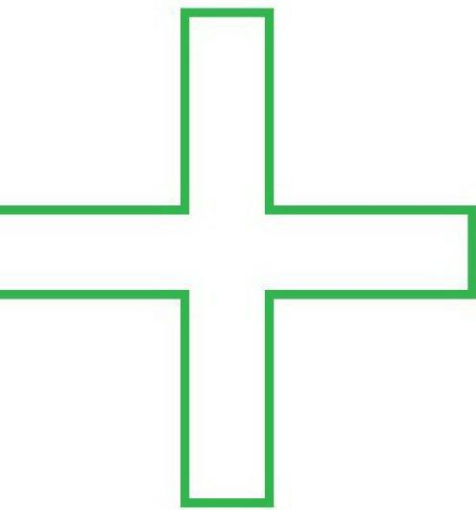
Chief Minister

COVID-Safe Re-Opening of Our Office Spaces

Talking points:

- As the current public health and social measures are eased over the coming weeks, the ACT Government will progressively open up our office spaces, providing the opportunity for workers to once again utilise our office buildings.
- This will be carefully planned to ensure that the safety of workers and our community continues to be given the highest priority.
- For ACTPS office workers, the days of working 9-5, Monday to Friday in the office are gone. The ACT Government is committed to a contemporary, hybrid model of work that combines the benefits of flexibility with the opportunities our office buildings provide for co-location, collaboration and connectedness. We are listening to our people and the emerging research, and we know this is something employees around the world value.
- The experiences over the last two years have positioned the ACTPS to embrace hybrid working while continuing to deliver the high-quality services required of government.
- We have deliberately invested in the technology, facilities, employment conditions and workforce capability to enable our workforce to work in ways that best suit them, their teams and the work they do.
- Of course, many ACT Government employees have continued attending the workplace throughout the COVID-19 pandemic and its lockdowns, providing essential frontline health, education and other community services. In fact, only a relatively small sector of our workforce have been able to work from home throughout.
- In the weeks and months ahead as many of us become accustomed to the choice to utilise office spaces once again, we will support individuals and teams to take a flexible approach to working in the workplace, including at the various locations where there are ACT Government offices or facilities, and also working from home. Workers will be encouraged to consider what works best for them and their teams, in order to deliver the work they do.
- By fully embracing these flexible work arrangements we expect to see improved employee wellbeing, increased job satisfaction, and greater workforce diversity through better opportunities for workforce participation. We also hope to attract the very best talent – including those people who are looking for continued workplace flexibility and hybrid working arrangements, even on the other side of this pandemic.

- However, for now, as has been the priority during the pandemic, we will continue to ensure that our workers are safe.
- Public health directions are followed in all ACT Government workplaces and will continue as more people return to the workplace. Core measures in place across all ACT Government workplaces continue to be:
 - physical distancing (including spacing of office workstations, density limits in meeting rooms and maintaining 1.5m where possible)
 - methods of notifying those who have been in contact with a person during their infectious period in the workplace (previously ACT Health contact tracing through the Check in Canberra app) in all ACT Government workplaces
 - wearing of masks in our indoor workplaces
 - increased and targeted cleaning protocols
 - promoting hand and respiratory hygiene
 - reminding workers to get tested if they have symptoms and stay home when unwell.
- Approaches are in place to take action if someone who tests positive to COVID-19 has been in the workplace during their infectious period to assess the risk of exposure to others and to take prompt action to notify those affected and direct them to follow ACT Health advice.
- All these measures are in place to ensure the safety of our workers and the community who use our facilities and services.



WORKSAFE
ACT SAFE +
HEALTHY
WORKPLACES

ANNUAL REPORT HEARING

BRIEFING PACKAGE

21 FEBRUARY 2022

28/03/2022



CONTENTS

Finance	4
Voluntary Redundancy Termination Payments	4
COVID-19 Financial Impact	5
Cost of Stakeholder Event and Sponsorships	5
Cost of Healthier Work Events	6
Own Source Revenue Forecast	6
Revenue Breakdown	7
Assessment of Expected Credit Loss and Impairment of Receivables	8
Fund Transfer Arrangement from CMTEDD	8
Capital Injection Breakdown	9
Strategic priorities	10
Strategic enforcement priorities	10
Accountability indicators	12
Construction	15
Dangerous substances	18
Jervis Bay Territory	20
Labour Hire Licensing	21
Licensing (other)	23
White cards	23
Plant item and plant design registration	23
Occupational lung diseases	25
Asbestos and mesothelioma	25
Silica	25
Psychosocial hazards	27
People at Work risk assessment tool	27
iAuditor	27
Psychosocial strategy	28
Work-related violence	29
Sexual harassment	29

Retail trade	31
Stakeholder engagement	32
WHS Council	32
Key stakeholder events	32
Media engagement	35
Workers' compensation	36
Outlook for 2021-22	38
Addressing psychosocial hazards	38
Preventing silica dust exposure in the workplace	38
Ensuring that all workers and workplaces across the Territory are safe and healthy	38
Addressing work related impacts of climate change	39
Supporting the families of those killed or seriously injured at work	39
Continuing to work to improve the safety culture in the Construction industry	40
Improving the operational efficiency of WorkSafe ACT	40
Ensuring compliance with the Workers Compensation Act	41
Financial Year To Date	42
Progress on independent review	42
Business plan projects as at 31 January 2022	44
Major Investigations	50

FINANCE

Page 57

VOLUNTARY REDUNDANCY TERMINATION PAYMENTS

In February 2021 WorkSafe ACT made voluntary redundancy (VR) offers under section 123 of the *Public Sector Management Act 1994*.

The target cohort was officers at the Workcover Officer (WCO) 6 level to enable a renewal within the inspectorate through the recruitment of officers at the WCO5. Recruitment at this level has allowed the onboarding of less experienced staff who can undergo specialist training.

Following the acceptance of the VR offers, a total of \$745,663 termination payment was made to seven employees in April/May 2021:

- one ASO3 position removed from the structure
- 5 WCO6 positions removed from the structure being replaced by 4 WCO5 positions, and
- one SOGC position being abolished with the functions being absorbed across the agency.

A breakdown of the payments:

Employee	AL/LSL	Severance	Total
A	12,632	33,467	46,099
B	51,512	101,991	153,503
C	28,536	101,991	130,527
D	17,137	59,655	76,792
E	65,930	77,829	143,759
F	35,616	59,655	95,271
G	40,057	59,655	99,712
Total	251,420	494,243	745,663

A reimbursement of \$432k (excluding the amounts associated with the payment in lieu of notice for each employee) was approved by ACT Treasury and made to WorkSafe ACT on 17 June 2021.

This was recorded as Grants and Contributions in WorkSafe ACT's 2020-21 financial statements.

COVID-19 FINANCIAL IMPACT

WorkSafe ACT's financial impact of the COVID-19 public health emergency has been assessed for the 2020-21 financial year.

- Overall, there was no material impact on WorkSafe ACT's financial results.

Category	Assessment
Revenue	No material COVID-19 impact was assessed. There might have been a very small impact on Dangerous Substances revenue (e.g. a reduction in firework display permit applications).
Expense	Immaterial COVID-19 impact was assessed: <ul style="list-style-type: none"> there was an increase of \$75,000 in employee expenses due to the extension of three employment contracts following whole-of-government requirements as part of the ACT Government's response to COVID-19, WorkSafe ACT employed an additional 4 ASO4 staff in 2020-21 under the 'Jobs for Canberrans' (JFC) initiative. A total \$290,000 employee expense related to JFC has been reimbursed from ACT Treasury.
Assets	No material COVID-19 impact was assessed.
Liabilities	No material COVID-19 impact was assessed.

COST OF STAKEHOLDER EVENT AND SPONSORSHIPS

Pages 40-42

A breakdown of major stakeholder events and sponsorships provided during 2020-21.

Event		Amount	Notes
National Safe Work Month	Oct 20	\$27,450	Event cost included hand outs (colour pencils), webinar speakers, a Healthier Work competition prize
Sponsorships		Amount	
Master Plumbers ACT	Nov 20	\$2,500	Plumbing and Safety Award
Master Builders Association ACT	Mar 21	\$5,000	Excellence Award
Construction Industry Training Council (CITC)	Sep 20 & Jun 21	\$3,000	Sponsorship

COST OF HEALTHIER WORK EVENTS

Page 46

There were two well-attended Healthier Work events in the last half of 2020-21.

Event	Date	Amount
Healthier Work Networking Breakfast	30 Mar 21	\$5,651
Men's Health Breakfast	18 Jun 21	\$6,021

OWN SOURCE REVENUE FORECAST

Page 58

WorkSafe ACT's own source revenue of \$389,000 for 2020-21 consists of:

- contract revenue from the Asbestos Response Taskforce (ART), Skills Canberra and Jervis Bay Territory
- service revenue provided by ACT Property Group, and
- application fees for dangerous substances.

The actual own source revenue for 2020-21 was \$90,000 higher than the budgeted amount mainly due to:

- an extension of the contract with Skills Canberra associated with the engagement of an inspector to support employers of Australian Apprentices, and
- a one-off service revenue provided by ACT Property Group for an office relocation coordinator.

The own source revenue is estimated to decrease in 2021-22 due to the funding for supporting young workers and Australian Apprenticeships will be directly appropriated to WorkSafe ACT and the continuous reduction due to the Service Level Agreement with ART that is expected to be discontinued in 2022-23.

Revenue Item	Budget	Actual	FE	FE	FE	FE
	20-21 \$'000	20-21 \$'000	21-22 \$'000	22-23 \$'000	23-24 \$'000	24-25 \$'000
Contract: Service Level Agreement - Asbestos Response Taskforce	175	175	197	0	0	0
Contract: Engagement support - Skills Canberra	90	138	0	0	0	0
Contract: Enforcement & compliance activities - Jervis Bay Territory	0	14	28	0	0	0
Office relocation coordinator - ACT Property Group	0	35	0	0	0	0
Dangerous substances applications	34	27	36	36	37	38
Total	299	389	261	36	37	38

REVENUE BREAKDOWN

Pages 75-76 and Note 4 and 5 of the Annual Financial Statements

Licence Fees and Fines		Amount	Notes
Labour Hire Licences	51 Licences	\$147,900	\$2,900 per licence. 58 licence applications received by 30 June 2021 as per p37 of AR. However, only fees from 51 applications were received due to the timing of funds transfer.
WHS Infringement	96 Notices	\$285,984	The fine amount varies depending on the breach.
Workers' Compensation Infringements	8 Notices	\$12,000	\$1,500 per notice.

Sales of Services from Contracts with Customers	Amount	Contract details
Asbestos Response Taskforce	\$175,240	A 12-month service level agreement exists between WorkSafe ACT and ART to provide compliance-related activities in line with the <i>Dangerous Substances Act 2004</i> , <i>Work Health and Safety Act 2011</i> , and any other associated laws that apply to affected households identified as containing loose-fill asbestos. WorkSafe ACT received funding from ART to cover the salary and applicable on-costs for: <ul style="list-style-type: none"> a WCO6 inspector, and part of an ASO4.
Skills Canberra	\$138,263	WorkSafe ACT entered a 12-month service level agreement with Skills Canberra to provide a mechanism for information and data sharing specifically relating to Australian Apprenticeships. WorkSafe ACT received funding from Skills Canberra to cover the salary and applicable on-costs for a WCO6 inspector.
Jervis Bay Territory Two visits (Oct 20 and May 21) in 2020-21	\$14,010	WorkSafe ACT was part of the service agreement between ACT Government and the Department of Infrastructure, Transport, Regional Development and Communications (the Department) to conduct at least two WHS inspection visits to JBT in 2020-21. Funding is provided by the Department to cover any fees, allowances and other cost of inspection visits under the agreement.

ASSESSMENT OF EXPECTED CREDIT LOSS AND IMPAIRMENT OF RECEIVABLES

Page 78 and Note 9 of the Annual Financial Statement.

WorkSafe ACT recorded the \$385,000 of receivables as at 30 June 2021.

Type of Receivables	Total \$'000	Not Overdue \$'000	1-30 days \$'000	31-60 days \$'000	61-90 days \$'000	91+ days \$'000
Trade receivables	188	188	-	-	-	-
Other	197	105	-	-	11	81
Total	385	293	-	-	11	81

WorkSafe ACT assessed the possibility of receivables being impaired and concluded that no receivables are impaired for the following reasons:

Type of Receivable	Amount	Assessments
Trade receivables	\$187,834	Significantly low credit or impairment risks as they resulted from trading with ACT government and Commonwealth agencies.
Other receivables		
GST receivable	\$24,302	Significantly low credit or impairment risks
Fine related receivable	\$172,632	WorkSafe ACT is finalising the revenue collection process for outstanding fine payments in accordance with s136 (3) I of the <i>Magistrates Court Act 1930</i> . This enables WorkSafe ACT to bring the matter to the Magistrates Court. Based on the prosecution action expected by WorkSafe ACT for non-payment, it concluded that there is no expected credit or impairment loss for fine related receivables for the 2020-21 financial year.

WorkSafe ACT will annually reassess the expected credit loss and risk of impairment in relation to Receivables.

FUND TRANSFER ARRANGEMENT FROM CMTEDD

Page 71 and the Cashflow Statement in the Annual Financial Statements.

Due to the delayed 2020-21 Budget, a fund transfer arrangement was made between WorkSafe ACT and CMTEDD to cover WorkSafe ACT's operation costs during the 2020-21 supply period.

A total amount of \$6.996 million was transferred from CMTEDD to WorkSafe ACT until the 2020-21 Appropriation Bill has passed in late April 2021 and this amount was repaid by the end of June 2021.

WorkSafe ACT considered and assessed the risks of non-compliance with the *Finance Management Act 1996* in relation to this arrangement:

- it concluded that there was no risk associated with the arrangement because the 2019-20 appropriation provided to CMTEDD included the functions performed by the then WorkSafe ACT (prior to it becoming an independent prescribed territory authority on 1 July 2020), and
- it was concluded that the funding provided by the 2020 supply instrument to CMTEDD could be allocated to support WorkSafe ACT's operations until the 2020-21 appropriation was directly provided to WorkSafe ACT.

CAPITAL INJECTION BREAKDOWN

Page 72 and the **Statement of Appropriation** in the Annual Financial Statement

A total \$541,000 capital injection appropriation was provided during the 2020-21 financial year for the following purposes.

Capital Items	Amount	Description
SalesForce development	\$400,000	Funding for developing customised software applications to record and analyse compliance activities.
Accrued employee entitlement	\$141,000	Additional funding under s16A of the Financial Management Act to cover the long service leave entitlement.

STRATEGIC PRIORITIES

Page 14

WorkSafe ACT's accountability indicators, activities, and initiatives for 2020-21 were developed in the context of WorkSafe ACT's 2020-2024 Strategic Plan and in response to new and emerging issues.

- The Annual Report also integrates the agency's responsibilities to regulate workers' compensation in the Territory and deliver the ACT's Labour Hire Licensing scheme.

HIGH-LEVEL PRIORITIES



Ensure fair and firm enforcement against non-compliance



Minimise physical and psychological harm and improve WHS practice and culture



Engage with stakeholders to better understand and respond to current and emerging WHS issues



Create an exemplary regulator

STRATEGIC ENFORCEMENT PRIORITIES

Page 13

Industries	Conditions	Substances
<ul style="list-style-type: none"> • Construction – residential and commercial • Retail – accommodation and food services • Manufacturing • Health and community services • Education and training 	<ul style="list-style-type: none"> • Occupational lung diseases • Mental health conditions • Musculoskeletal disorders 	<ul style="list-style-type: none"> • Asbestos • Crystalline silica • Hazardous chemicals

WorkSafe ACT conducted 2510 workplace visits in 2020-21 and issued:

- 117 infringement notices
- 1840 improvement notices, and
- 459 prohibition notices.

FYTD key statistics

WorkSafe ACT has conducted 1526 workplace visits so far in 2021-22 and has issued:

- *16 infringement notices*
- *965 improvement notices*
- *214 prohibition notices, and*
- *1 non-disturbance notice.*

ACCOUNTABILITY INDICATORS

Page 9

In 2020-21, WorkSafe ACT met or exceeded 7 of 7 accountability indicators as set out in the 2020-21 Budget Statement.

1. The 2018 Independent Review of the ACT's work safety compliance infrastructure, policies and procedures by the Nous Group made recommendations for improving the ACT's work health and safety compliance and enforcement arrangements.
 - i. The target for 2020-21 was implementation of 20 of the 27 recommendations.
 - ii. WorkSafe ACT implemented 22 of the 27 recommendations.
2. The second indicator sets a ratio for the activities which WorkSafe ACT undertakes to achieve its goal of preventing work-related deaths, injuries and diseases and protecting property and the environment.
 - i. WHS compliance activities in line with the Compliance and Enforcement Policy: education and improvement, prevention, enforcement - ratio: 65:25:10.
 - ii. WorkSafe ACT achieved a ratio of 76:19:5, reflecting the move to a pro-enforcement model from an engage and educate model.
3. Rates of compliance for workers' compensation are assessed against a predetermined set of criteria relating to the responsibility to hold a workers' compensation insurance policy.
 - i. WorkSafe ACT's target was a 90% compliance rate.
 - ii. Employers in the ACT achieved a 95% compliance rate. The target of a 90% compliance rate was achieved; however, a range of factors prevented the achievement of a 100% compliance rate. Greater education of employers is required to improve compliance, and this will be a focus for 2021-22.
4. WorkSafe ACT was aiming for 100% of investigations opened within 14 days of WorkSafe ACT being notified of a serious WHS incident within WorkSafe ACT's jurisdiction, which the regulator considers requires investigation.
 - i. WorkSafe ACT met this target.
5. WorkSafe ACT has a target of 60% of major investigations completed within 12 months of commencing investigations. The major investigations relevant to this indicator are those completed (not commenced) in the 2020-21 financial year.
 - i. WorkSafe ACT achieved a result of 70%, reflecting the improvement in WorkSafe ACT's capability to progress investigations and finalise them within 12 months.
6. WorkSafe ACT has a target of 100% of Enforceable Undertaking (EU)-sanctioned entities meeting their EU obligations.
 - i. WorkSafe ACT actively monitors compliance with EU obligations and met this target. The result reflects strong operational compliance activities and improved oversight of EU sanctioned entities.

7. WorkSafe ACT set a target of 20 scheduled interviews between WorkSafe ACT's leadership and registered media entities for 2020-21.
- i. Work Safe ACT's proactive engagement with media entities and increased communication of campaigns and priority activities resulted in 41 scheduled interviews, in addition, 3 unscheduled interviews were also conducted.

Indicator	2020-21 Targets	2020-21 Interim Outcome	2021-22 Targets	July 2021-Jan 2022
a. Number of 2018 independent review recommendations implemented ¹	20 out of 27	22 out of 27	25 out of 27	25 out of 27
b. WHS compliance activities in line with Compliance and Enforcement Policy: education and improvement, prevention, enforcement ²	Ratio: 65:25:10	Ratio: 76:19:5	Ratio: 65:25:10	Ratio: 81:18:1
c. Compliance rate during workers' compensation inspections ³	90%	90%	90%	97%
d. Compliance rate during inspections of labour hire providers and hosts are appropriately licensed and compliant with the licence conditions ⁴	n/a	n/a	90%	Compliance activities yet to begin
e. Investigations commenced within 14 days of notification of incident ⁵	100%	99.5%	100%	99%
f. Major investigations completed within 12 months of commencing investigation, with the exception of fatalities ⁶	60%	70%	60%	70:
g. All EU sanctioned entities meet EU obligations for the financial year ⁷	100%	100%	100%	80% ^{7a}
h. Media engagement to improve awareness ⁸	20 interviews	41 interviews	100%	27 interviews

1. The 2018 Independent review of the ACT's work safety compliance infrastructure, policies and procedures by the Nous Group offered recommendations for improving ACT's work health and safety (WHS) compliance and enforcement arrangements. The phased implementation of recommendations is being overseen by the WHS Council and will continue into the next financial year. This indicator is considered complete when all 27 recommendations have been implemented.
2. This indicator sets a ratio for the activities which WorkSafe ACT employs to achieve its goal of preventing work-related deaths, injuries and diseases and protecting property and the environment. Education activities principally involve the issuing of improvement notices. Prevention activities involve the issuing of prohibition notices, along with proactive audits and targeted campaigns. Enforcement activities include the issuing of infringement notices and other sanctions.
3. Rates of compliance are assessed against a predetermined set of criteria relating to the responsibility to hold a workers' compensation insurance policy.
4. New accountability indicator. Rates of compliance are assessed against predetermined set of criteria relating to the responsibility to hold a labour hire licence as well as host employers only using licensed providers.
5. This accountability indicator measures the percentage of investigations opened within 14 days of WorkSafe ACT being notified of a serious WHS incident within WorkSafe's jurisdiction which the Regulator considers requires investigation.
6. This accountability indicator measures the percentage of major investigations completed (referred for enforcement/regulatory action) within 12 months of the investigation's commencement. The major investigations relevant to this indicator are those completed (not commenced) in a financial year.

7. This accountability indicator concerns ongoing enforceable undertakings (EUs) in a financial year. WorkSafe ACT monitors compliance of EU-sanctioned entities with their EU obligations.

7a. The one EU sanctioned entity that has failed to meet its obligations has been referred to the Director of Public Prosecutions.

8. This accountability indicator measures coverage because of media releases.

CONSTRUCTION

Page 20

Key messages

During 2020-21, to support the industry and provide opportunities for education about compliance obligations, WorkSafe ACT developed targeted strategies aimed at improving work health and safety across this sector, particularly residential construction.

Strategies were informed through stakeholder engagement and participation, including the inaugural Strategic Planning Summit (the Summit) on 31 July 2020.

- Hosted by the WHS Commissioner, the Summit included key stakeholders from the construction industry, including representatives from employer and employee organisations.
- Participants at this Summit acknowledged that a stronger culture of safety in the Territory would only be achieved if a collaborative approach was adopted.
- As a direct response, WorkSafe ACT launched its *Residential Construction Strategy* (the Strategy) in August 2020.

The five key components of the Strategy and Operation Safe Prospect are:



A Residential Construction Forum was held on 24 June 2021.

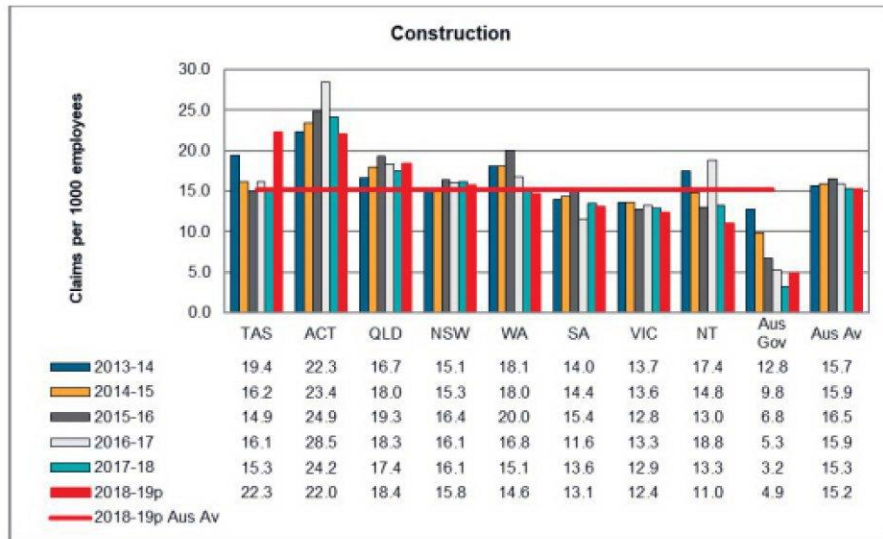
- It was attended by 40 delegates.
- It provided an opportunity to consider complexities and commercial pressures that influence delivery of construction projects and the impact of these pressures on safety performance.
- Lessons from the forum to update its *Residential Construction Strategy* to include an added focus on safety across the supply chain as it continues to prioritise this sector throughout 2021-22.

Key statistics

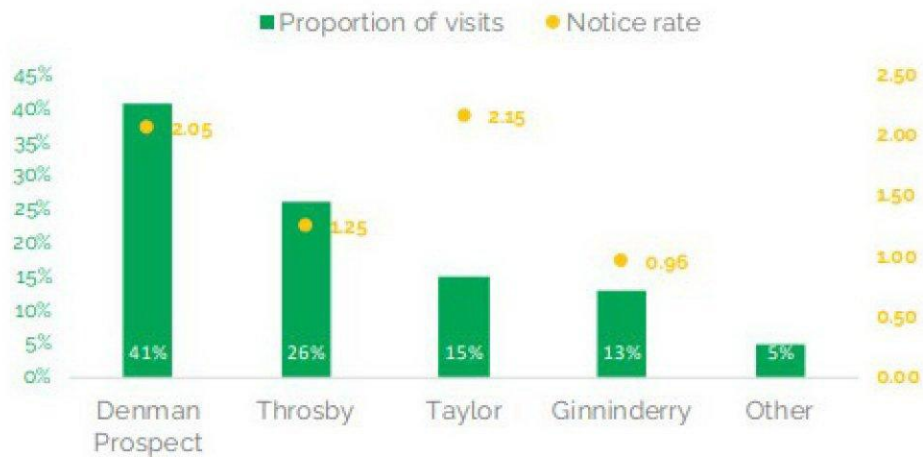
Safe Work Australia data shows the Australian average incidence rate for serious claims for the construction industry decreased by 2% between 2013-14 and 2017-18.

- During this time the ACT recorded a 9% increase in its incidence rate.

Figure 3: Incidence rates of serious claims for Construction by jurisdiction⁴



During the reporting period, Operation Safe Prospect has: resulted in:



Inspections in Denman Prospect made up 41% of the operation.

- Taylor exhibited the highest notice rate of 2.15 notices per site visit.

- Breaches in Taylor attracting the most notices are:



Not managing the risks of falls from heights made up **50%** of all prohibition notices and **62%** of all infringement notices.



Improvement notices were highest for not maintaining a secure workplace and not providing adequate workplace facilities.



FYTD key statistics

- *461 proactive campaign workplace visits*
- *Total notices issued:*
 - *515 improvement notices*
 - *144 prohibition notices*
 - *1 non-disturbance notice, and*
 - *10 infringement notices.*

DANGEROUS SUBSTANCES

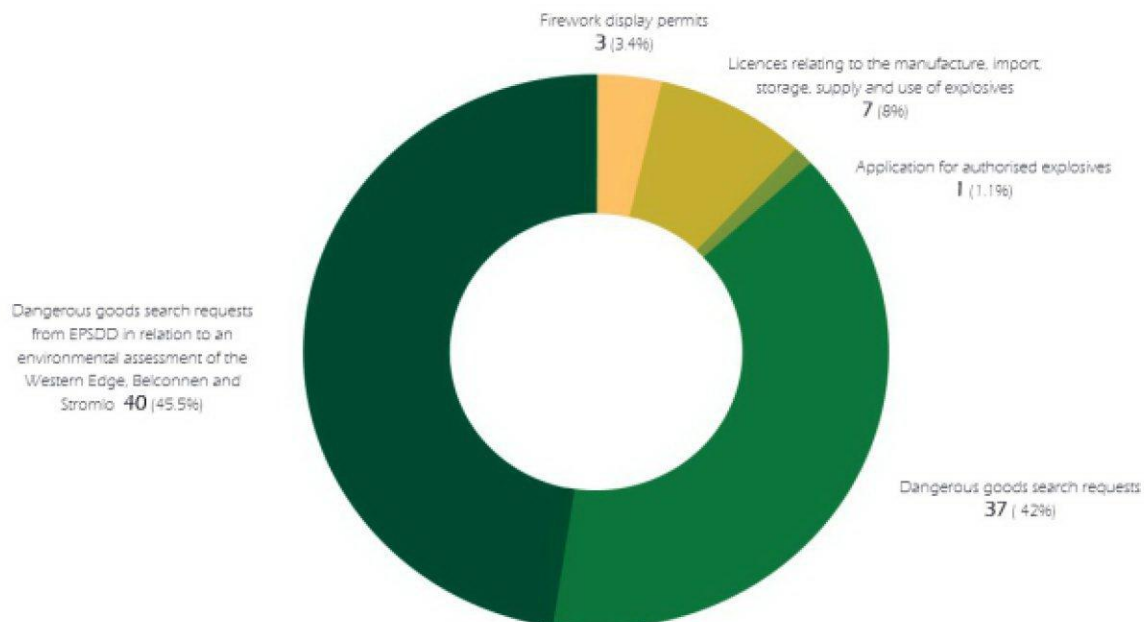
Page 28

Compliance activities for dangerous substances were hampered by the COVID-19 pandemic and the associated restrictions on social gatherings and fireworks.



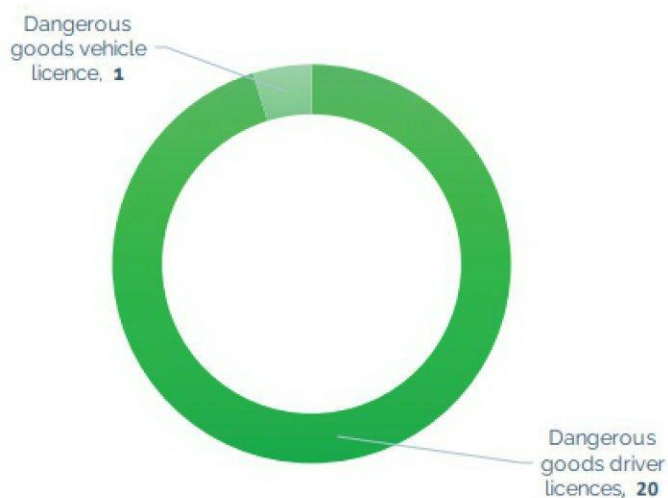
During 2020-21, WorkSafe ACT processed the following requests (see Figure six below)

Figure 6: Requests under the Dangerous Substances Act 2004 during 2020-21



During 2020-21, WorkSafe ACT also processed 21 applications under the *Dangerous Goods (Road Transport) Act 2009* and *Dangerous Goods (Road Transport) Regulation 2010* (see Figure seven below).

Figure 7: Applications under the Dangerous Goods (Road Transport) Act 2009 and Dangerous Goods (Road Transport) Regulation 2010, 2020-21



FYTD key statistics

For the period 1 July 2021 – 31 January 2022 the following Dangerous Substance matters have been issued:

- *3 shotfirers licences*
- *12 dangerous goods driver's licence*
- *1 DOLMAR licence*
- *4 explosive licences, and*
- *1 firework display permit.*

JERVIS BAY TERRITORY

Page 19

During 2020-21 WorkSafe ACT attended the JBT on two separate occasions with a focus on WHS, workers' compensation and dangerous substances requirements.

There were several safety issues identified during the initial inspection and numerous notices were issued.

The main hazards and risks concerned chemical handling and storage, particularly asbestos, and electrical safety standards.

The purpose of the follow up visit to JBT was to ensure that the notices issued initially had been complied with to the regulatory satisfaction of WorkSafe ACT.

The agency planned further visits to JBT during 2020-21 but these were unable to occur due to COVID-19 travel restrictions in the region.

In total during the reporting period, there were 24 workplace visits undertaken resulting in 16 improvement notices, one prohibition notice and one desk top review being completed.

LABOUR HIRE LICENSING

Page 36

Key facts

On 21 May 2020, the ACT Legislative Assembly passed the *Labour Hire Licencing Act 2020* to establish a licensing scheme for the regulation of labour hire operators in the ACT.

The purpose of the scheme is to:

- protect workers from exploitation by providers of labour hire services
- ensure labour hire service providers meet their workplace obligations and responsibilities to the workers they supply
- promote the integrity of the labour hire services industry, and
- promote responsible practices in the labour hire services industry.

WorkSafe ACT established a LHL Implementation Steering Committee to ensure supporting systems, a dedicated team of inspectors, and a comprehensive communications strategy were in place once the scheme commenced on 27 May 2021.

A media campaign involving advertisements on Facebook and Instagram, on digital billboards and in Google search was run from 26 April 2021 – 30 June 2021.

- The purpose of the campaign was to raise awareness of the new scheme and to encourage providers to apply for a licence as soon as possible.

- *The scheme is now in a compliance and enforcement phase with additional advertising on digital platforms.*

WorkSafe ACT hosted free, industry-focused Q&A sessions throughout June 2021.

- Three of these sessions were face-to-face and two were virtual, with 155 attendees in total.

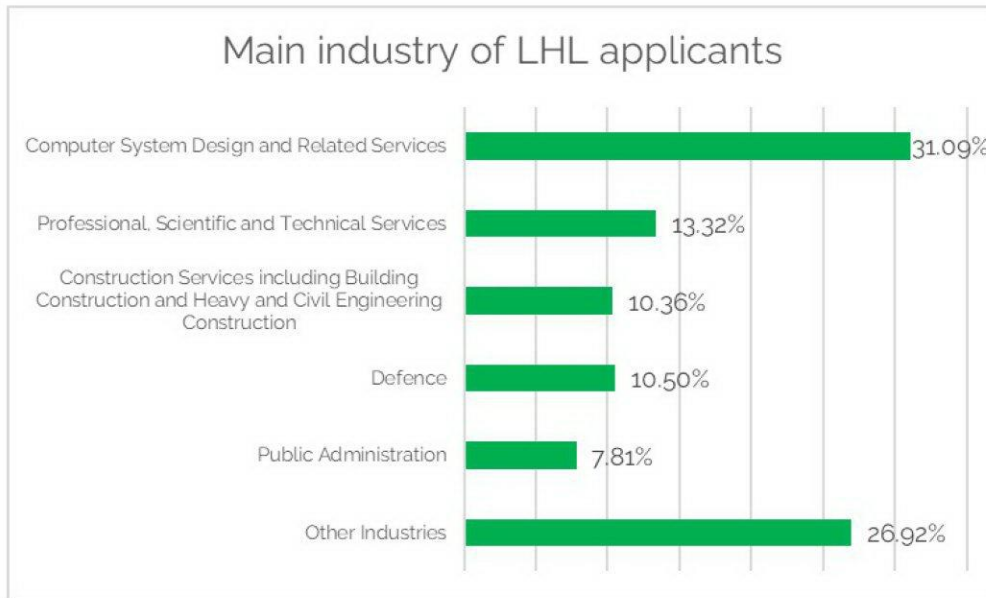
Key statistics

By 30 June 2021, 58 licence applications had been received and 25 licences had been issued with unconditional approval.

FYTD key statistics

- *Since 27 May 2021 and through to 31 January 2022, a total of 737 applications and issued 674 licences have been processed.*
 - *Total refused to consider: 40*
 - *Total licenses issued with conditions applied: 7*
 - *Applications received but still under consideration: 24*
- *The industries with the highest number of licence applications to date are Computer System Design and Related Services and Professional, Scientific and Technical Services.*
- *The total number of page views for the LHL web page in January was 1,486.*

- 40 applications were 'refused to consider' in accordance with s25 (2) of the Labour Hire Licensing Act 2020. The reasons were:
 - 21 – Application fee not paid, despite requests from the LHL team.
 - 7 – Duplicate application forms lodged.
 - 1 – Failure to provide appropriate Workers Compensation policy.
 - 8 – Applicant received independent advice after lodgement and chose to withdraw their application.
 - 3 – Application lodged in error



LICENSING (OTHER)

Page 25

Under the *WHS Regulation 2011*, licences are required for high-risk work, asbestos removal and clearance, major hazard facilities.

The high-risk work licensing system presently provides for 30 classes of high-risk work, divided into five categories:

- Scaffolding work
- Dogging and rigging work
- Crane and hoist operation
- Forklift operation, and
- Pressure equipment operation.

WHITE CARDS

Construction workers in the ACT require a General Construction Induction Card (White Card – issued by Access Canberra in the ACT) when working on a construction site.

The *WHS Regulation 2011* requires that a PCBU must ensure workers have successfully completed general construction induction training before starting construction work.

Each construction worker must hold: a general construction induction training card, and a general construction induction training certification that has been issued within the preceding 60 days if the worker has applied for, but not yet been issued with, a general construction induction training card.

PLANT ITEM AND PLANT DESIGN REGISTRATION

Plant items must be registered for use in the ACT under the *WHS Act* and the *WHS Regulation*.

- The purpose of registering an item of plant is to ensure that it is inspected by a competent person and is safe to operate.

Access Canberra delivers plant registration.

It is an offence to use plant if the Regulation requires the plant to be registered and it is not so authorised.

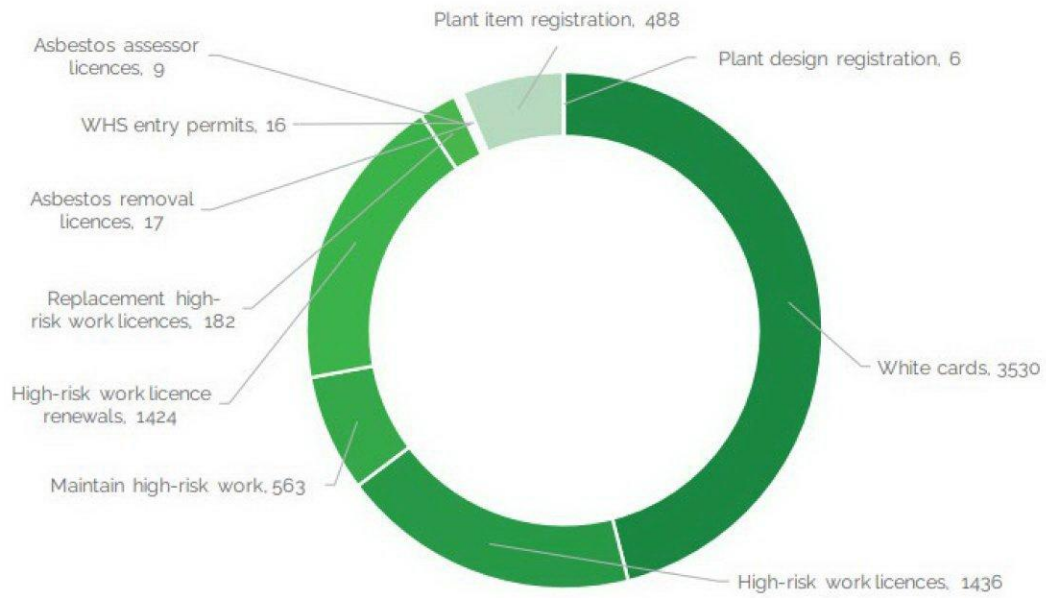
Plant designs must be registered for use in the ACT under the *WHS Act* and the *WHS Regulation*.

Manufacturers, importers, and suppliers must not supply plant unless the design is registered.

It is an offence to use plant if the *WHS Regulation* requires the plant's design to be registered and it is not so authorised.

Key statistics

Figure 5: Licences issued under the WHS Act, 2020-21



OCCUPATIONAL LUNG DISEASES

Page 35

WorkSafe ACT has developed a program of work to target the prevention of occupational lung diseases and to combat the apparent lack of awareness of managing the risks of dust diseases across all industry sectors, but particularly Construction.

- *The Strategy for Preventing Occupational Lung Diseases was launched in January 2022.*

ASBESTOS AND MESOTHELIOMA

Background

WorkSafe ACT has a designated asbestos inspector who supports the role and responsibilities of the Asbestos Response Taskforce (ART) for all loose filled asbestos impacted properties in the ACT, commonly referred to as Mr Fluffy properties.

- Includes a series of 4 inspections for each demolition
- Monthly compliance inspections of all properties requiring an asbestos management plan (AMP), and
- A monthly report to the ART on compliance and demolition activities.

Under the service level agreement monthly compliance inspections involve visiting the ART reported affected premises:

- to ensure a valid AMP is displayed in an approved display case, and
- to try and determine whether non-approved occupants are living at an affected property

Key statistics

There are 24 Mr Fluffy properties still occupied in the ACT with:

- 17 fully compliant
- 5 partially compliant, and
- 2 deemed non-compliant.

SILICA

In September 2020, WorkSafe ACT and the MBA established a Silica Working Group involving stone benchtop manufacturers, the broader Construction industry and local occupational physicians, Dr Harrex and Dr Mpho.

The purpose of the Working Group was to ensure PCBU's are aware of their obligations to significantly reduce or eliminate worker exposure to respirable crystalline silica (RCS) and control the hazards associated with RCS exposure.

- The Working Group has agreed on the development of construction specific guidance and will be replaced by a consultation group early in 2021-22 to finalise this work.

- *The Guidance note for managing the risk of silica dust at construction sites was published in January 2022.*
 - *It includes an Australian first risk matrix approach to managing the risks of silica dust based on real world air monitoring results and control measures provided by the construction industry.*

WorkSafe ACT has had in place a Crystalline Silica Compliance Program since 2019-20. During 2020-21, the focus of this program was on compliance in the manufacturing of stone benchtops.

The subject matter expertise of WorkSafe ACT was bolstered in June 2021 with the engagement of a senior level occupational hygienist.

- This will be further enhanced in early 2021-22 with the planned recruitment of an Assistant Director responsible for regulatory toxicology policy advice.

WorkSafe ACT has actively supported national efforts to promote awareness of occupational lung diseases.

- WorkSafe ACT promoted this important issue during National Safe Work Month in October 2020 in a silica symposium.
- The Safe Work Australia campaign Clean Air. Clear Lungs. Is promoted on the WorkSafe ACT website.
- The WHS Commissioner represented the ACT on the National Occupational Respiratory Disease Registry Working Group as part of the Commonwealth Department of Health's National Dust Diseases Taskforce.

PSYCHOSOCIAL HAZARDS

Page 33

Under the WHS Act, PCBUs have a duty to ensure the health, safety and wellbeing of their employees, this includes psychological health.

Psychosocial risks in the workplace have been prioritised by WorkSafe ACT and as such require specific guidance material, compliance monitoring and enforcement attention.

During its first full year of operations, WorkSafe ACT increased its capability to address psychosocial hazards.

- There is a dedicated psychosocial team of inspectors led by a Senior Director with specialised psychosocial regulatory experience.
- The team has undertaken a compliance audit of universities and vocational training providers. These inspections focused on ensuring there were safe systems of work and adequate complaint management processes in place.

PEOPLE AT WORK RISK ASSESSMENT TOOL

WorkSafe ACT partnered with all Australian WHS regulators during 2020-21 to jointly fund the provision, free of charge, of the online PAW Risk Assessment tool.

- The survey was specifically designed to help workplaces better identify and manage work-related risks to psychosocial health and benchmark themselves to other workplaces.

WorkSafe ACT's evidence informed approach to addressing psychosocial hazards and risks is being supplemented with the expertise of Dr Peta Miller, a WHS specialist with over 35 years' experience.

- Dr Miller has been engaged to deliver a broad program of work including a report to the WHS Commissioner on the issues and challenges with managing psychosocial hazards in the workplace.
- During June 2021, Dr Miller met with strategic government and industry stakeholders to gauge their lived experiences and insights. This large program of work and stakeholder engagement will continue into the 2021-22 reporting year.

IAUDITOR

iAuditor, a program that is digitalising how we undertake inspections and collect and analyse our inspections data, will be used to measure against three indicators: attitude, capability, and compliance.

- The tool will give a score out of 100% and be able to provide on the spot feedback to PCBUs about where improvements are needed.

- *WorkSafe ACT is leading the iAuditor work nationally and providing key advice and training to the NSW and Queensland WHS regulators.*
- *The WHS Commissioner met with Safe Work NSW to discuss iAuditor and collaboration on psychosocial inspections in January 2022.*

WorkSafe ACT is also using this platform to measure psychosocial hazard management maturity. This will focus on three indications:

- attitude
- capability and
- compliance.

The maturity indication tool will score workplaces on these indicators and allow for:

- increased reach for psychosocial inspections and efficient recording and issuing of notices
- an in depth understanding of the current maturity levels of industry and ACT workplaces
- the psychosocial inspectorate to focus on the more at-risk industries and workplaces to reduce work related psychological injury
- a holistic view of workplace maturity through collection of responses from both employer and worker representatives
- data and insights to inform WorkSafe ACT's future direction when it comes to psychosocial compliance, and
- provision of targeted feedback to develop resources on ways to improve psychosocial compliance to prevent and reduce the risks of psychological injury.

PSYCHOSOCIAL STRATEGY

The psychosocial strategy is intended to be the overarching document that captures WorkSafe ACT's approach to work-related psychosocial hazards.

- It will support stakeholders to build capability and maturity to achieve compliance with WHS laws and emphasise the expectation that duty holders who contravene these laws will be held to account.
- The strategy will guide the compliance and education activities of WorkSafe ACT during 2021- 2023, including targeted plans to address work-related violence and sexual harassment.

In addition to physical hazards, there is also a heightened risk to the retail workforce of psychosocial hazards including work-related violence and harassment. On this issue In 2020-21:

- Thirty-nine premises (39) were inspected with a total of 65 workplace visits.
- One hundred and ninety-six (196) Improvement Notices were issued for:
 - breaches to section 19 of the WHS Act (primary duty of care)
 - inspection and testing of electrical equipment, and
 - accessibility to obtain and give access to safety data sheets.

- *The Strategy for Managing Work-Related Psychosocial Hazards was launched in October 2021.*

WorkSafe ACT's psychosocial team began several campaigns in December, including:

- *a compliance campaign in the retail industry, focusing on larger retailers and their associated subcontractors, and*
- *the Psychosocial Proactive Residential and Commercial Construction Campaign 2021-22.*

As part of the Psychosocial Retail and Hospitality Campaign 2021 – 2022:

- *28 workplace visits were conducted in December*
- *15 workplace visits were conducted in January, and.*
- *193 workplace visits in February.*

As part of the Psychosocial Proactive Residential and Commercial Construction Campaign:

- *13 workplace visits were conducted in February.*

This program of work will continue throughout 2022.

WORK-RELATED VIOLENCE

During 2020-21, WorkSafe ACT engaged with stakeholders to develop effective strategies and interventions to address this risk.

In October 2020, 20 delegates from government, business, unions and community groups, came together to discuss work-related violence and to raise awareness of specific territory issues and workshop potential solutions.

- Dr Miller facilitated the development of awareness programs with stakeholders on the regulation of work-related violence in the Territory.

- *The Plan for Managing Work-Related Violence and Aggression was launched in October 2021.*

SEXUAL HARASSMENT

In March 2021, Suzanne Orr MLA moved that the ACT WHS Act include requirements that support psychological and social wellbeing at work.

- These provisions were passed with reference to the 2020 recommendations of the Respect@Work national inquiry into sexual harassment in workplaces.

WorkSafe ACT has been actively working towards meeting relevant outcomes of this motion working with:

- Safe Work Australia to develop and implement regulations and a model Code of Practice that address psychosocial hazards *[approved by Safe Work Australia Members in December 2021]*, and
- HWSA to release the PAW online tool in February 2021 that assists duty holders to identify and assess the risks including sexual harassment and assault *[COMPLETE]*.

- *The Plan for Managing Work-Related Sexual Harassment was launched in October 2021.*

The WHS Commissioner is working with the ACT Government in the establishment of the Sexual Assault Prevention and Response Steering Committee as part of the Workplace Reference Group, that will focus on progressing the parliamentary agreement.

This priority work will continue into 2021-22.

The Australian Human Rights Commission (the AHRC) has received funding to implement several of the education and training related recommendations of the Respect@Work report, including:

- *Safe Work Australia and WHS regulators, with guidance from the Workplace Sexual Harassment Council, undertake training and education on the nature, drivers and impacts of sexual harassment to inform their work.*

WorkSafe ACT is committed to addressing the issues as identified in the Respect@Work Report. To continue our contribution to this important work, WorkSafe ACT has nominated a representative to participate in the project.

RETAIL TRADE

Page 24

Most recent Safe Work Australia data shows that between 2013–14 and 2017–18, the Australian average incidence rate of serious claims in the Retail trade industry decreased by 11%.

- The ACT (up 3%) was only one of two jurisdictions recording increases during the same period.
- ACT claims data indicates that between July 2019 and May 2021 there was a high number of workplace incidents and injuries to retail workers, with 668 accepted workers' compensation claims from workers in the ACT's retail sector.
- Most of these claims were for muscular stress; trips and falls; and being hit by moving or falling objects.

The proportion of young, part-time, and casual workers in the retail sector contributes to the health and safety risks. The retail sector has the:

- youngest age demographic of all industries, with 44% of workers aged under 25 years.
- highest proportion of part-time workers (59% compared to the all-industry average of 31%), and
- highest proportion of casual employees (63% compared to the all-industry average of 25%).

FYTD key statistics

The General inspectorate team conducted the following proactive work in retail trade:

- *COVID-19 compliance inspections:*
 - *90 proactive workplace visits including 66 surveillance activities*
- *Retail compliance program:*
 - *83 proactive workplace visits.*

STAKEHOLDER ENGAGEMENT

Page 38

The WHS Commissioner and WorkSafe ACT interact with a broad range of stakeholders and regulated entities, in a variety of ways.

WHS COUNCIL

The WHS Council is the key stakeholder body in the work of the WHS Commissioner and WorkSafe ACT.

Consultation with both the Minister for Industrial Relations and Workplace Safety and the WHS Council was required in the preparation of the Strategic Plan and the Compliance and Enforcement Policy.

The WHS Commissioner is required to report on the performance of the regulator as well as the operations of WorkSafe ACT including its organisational capability, stakeholder engagement and initiatives and compliance and enforcement activity.

In the 2020-21 reporting period, there were three WHS Council meetings:

- August 2020
- March 2021
- June 2021.

During this period, the WHS Council provided comment and input on WorkSafe's strategic planning documents.

The WHS Commissioner was also a member of the two subcommittees of the WHS Council established during the 2020-21 reporting period:

- Extreme Weather Conditions Advisory Committee, and
- Workplace Crystalline Silica Exposure Advisory Committee.

KEY STAKEHOLDER EVENTS

Key events and activities included:

- a Strategic Summit held on 31 July 2020 to consult on WorkSafe's Strategic Plan, *Statement of Operational Intent*, and proposed interventions for residential construction
- WorkSafe ACT and SafeWork NSW gave a joint presentation to the Housing Industry Association on residential Construction safety on 8 September 2020.
- National Safe Work Month in 2020 included the national theme of 'work health and safety through COVID-19'.
 - WorkSafe ACT also held a Silica Symposium, chaired by the WHS Commissioner.
 - The purpose of the symposium, attended by 70 delegates, was to provide industry stakeholders with information about the risks associated with silica dust exposure, as well as information on managing these risks.

- Dr Martin Jennings, representing the Australian Institute of Occupational Hygienists, gave a presentation entitled *Controlling exposures to prevent occupational lung disease in the Construction industry* and was also on a panel with key stakeholders.
- October is also Mental Health Month and WorkSafe ACT, through the Healthier Work Program, offered a series of webinars to highlight these events:
 - *Managing for wellbeing: understanding mental health in our current environment* - featuring David Burroughs, Australian Psychological Services. This hour-long session had 236 virtual attendees and covered practical insights on transitioning to the next new normal. It also covered the key emerging risk area of isolation and a physical return to work.
 - *Trauma: reaction and recovery in the workplace* - featuring Carmel O'Sullivan, Construction Charitable Works. Ms. O'Sullivan, a psychologist for over 20 years, provided guidance relevant to all industries on responding to, and recovery after, a traumatic event, such as a workplace incident, assault or natural disaster.
 - *Flexible work and health* - featuring Dr Ginny Sargent, ANU Research School of Population Health, PHXchange. Over 300 virtual attendees watched a presentation focused on research conducted in the ACT on getting the most out of workplace health promotion and flexible work and how it can negatively impact health. Dr Sargent also provided information on how learnings could be applied in workplaces to mitigate the negative, and harness positive effects of flexible work on staff and their families.
 - *Mindfulness in everyday life* - featuring Neil Shepherd, Inner Synergy. This webinar provided practical tools, techniques and experiences to understand how mindfulness and self-awareness can help in the workplace and in everyday life.
 - *Protecting the mental health of small business* - featuring Beyond Blue and Canberra Business Enterprise Centre.

WorkSafe ACT delivered a range of events and campaigns for October 2021 for National Safe Work Month, focussing on psychosocial hazards and work-related violence.

Activities included:

- *a presentation to National Women in Construction Association (NAWIC) Mental Health Event*
- *a presentation to the ACT Government Strategic Board meeting*
- *a presentation to first year plumbing apprentices at the Master Plumbers' Association's Industry Forum*
- *a presentation to the Master Builders Association Excellence Awards*
- *a presentation during Airport Safety Week on the People at Work (PAW) psychosocial risk assessment tool*
- *the launch of an independent WorkSafe ACT LinkedIn page, and*
- *the launch of a WorkSafe ACT playlist on the ACT Government YouTube channel.*

The WHS Commissioner also launched the Managing Psychosocial Hazards in the Workplace Strategy 2021-2023 on 6 October, through delivery of a live virtual event:

- *117 registrations*
- *83 attendees, and*
- *119 views of the presentation on YouTube following the live event.*

- On 17 March 2021, the WHS Commissioner hosted a launch event to celebrate the introduction of an online psychosocial risk assessment tool, PAW.
 - The WHS Commissioner welcomed Ministers Mick Gentleman and Emma Davidson to the event, along with Angela Burroughs, ACT Branch President of the Australian Education Union and Dr Peta Miller to raise awareness of this important tool to key industry leaders across the Territory.
- On 28 April, International Workers' Memorial Day is commemorated to 'remember the dead and fight for the living'.
 - The WHS Commissioner spoke at the 2021 Unions ACT event.
 - For the first time, WorkSafe ACT inspectors and corporate staff attended the solemn event at the National Workers' Memorial on the shores of Lake Burley Griffin.

In November 2021, WorkSafe ACT launched the Young Workers Strategy on LinkedIn.

- *This was accompanied by a joint media release with Minister Gentleman and Minister Berry.*

MEDIA ENGAGEMENT

Throughout the reporting period WorkSafe ACT actively engaged with Territory and national media through a range of mechanisms:



Engagement is expected to increase in 2021-22 through targeted use of social media, greater contact with specialist WHS and occupational hygiene publications, increased publication of data and incident reporting and increased publication of safety alerts.

FYTD key statistics

Since 1 July 2021 – 31 January 2022, shows the following media engagement:

- 17 media releases issued
- 5 safety alerts issued
- 40 media enquiries, and
- 27 media interviews completed by the WHS Commissioner.

WORKERS' COMPENSATION

Page 31

WorkSafe ACT initiated proactive compliance campaigns to enforce compliance under the *Workers Compensation Act 1951* during 2020-21, with two campaigns in the suburbs of Dickson and Barton.

- As part of these campaigns inspectors conducted a total of 620 workplace visits resulting in multiple premium recoveries and infringement notices being issued:



WorkSafe ACT also approved two rehabilitation providers in the Territory and granted extensions to the seven approved insurers and seven of the eight self-insurers through to 31 December 2021 as part of transitional amendments to the *Workers Compensation Act 1951*.

- One of these self-insurers surrendered its licence from 1 June 2020.

A priority for WorkSafe ACT for 2021-22 will be the issuing of licences to approved insurers and self-insurers and compliance with these licence arrangements.

Issues

- *There are currently 7 licenses Self-Insurers and 7 licensed Approved Insurers in the ACT.*
 - *It is an expectation that all licensed Self-Insurers and Approved Insurers will apply for a licence once the legislation has amended and implemented.*
- *As part of the licence application process WorkSafe ACT has established a panel to review each application received before approving a licence.*
- *The WC legislation (the WC Regs and protocols) was due to be updated and signed off by the Minister for Workplace Safety and Industrial Relations in September 2021 to allow time for the new WC Self-Insurer and Approved Insurers to apply for a licence*

- *This was impacted and delayed due to the COVID-19 lockdown imposed in August 2021.*
- *The Self-Insurers and Approved insurers licenses are due to expire 31 December 2021.*
 - *With the exception of Wesfarmers which was due to expire 27 November 2021.*
- *A temporary amendment (Workers Compensation Amendment Regulation 2021 (No 1) commenced 25 November 2021 accommodated short term licenses to be applied for and issued to the Self-Insurers and Approved Insurers until 31 May 2022.*

FYTD key statistics

- *Since 1 July 2021, the Workers' Compensation team has conducted 216 workplace visits.*

OUTLOOK FOR 2021-22

Page 111

ADDRESSING PSYCHOSOCIAL HAZARDS

WorkSafe ACT will continue to increase its capability and tools to address psychosocial hazards, including specialised training of inspectors along with the deployment of additional resources.

- *The Strategy for Managing Work-Related Psychosocial Hazards was launched in October 2021.*
- *WorkSafe ACT conduct a six-monthly survey of all staff using the PAW survey.*

PREVENTING SILICA DUST EXPOSURE IN THE WORKPLACE

WorkSafe ACT will prioritise its regulatory response of enforcing compliance with the silica dust exposure standard.

- This includes working with industry representatives to provide education and undertaking compliance and enforcement actions to ensure all workers in the manufacturing and construction industries with a risk of exposure to respirable crystalline silica are protected.

- *The Guidance note for managing the risk of silica dust at construction sites was published in January 2022.*
 - *It includes an Australian first risk matrix approach to managing the risks of silica dust based on real world air monitoring results and control measures provided by the construction industry.*
 - *A proactive compliance program will be conducted in 2022.*
- *The hazardous chemicals and dangerous goods team will be conducting targeted inspections of ACT businesses that manufacture or install engineered stone in 2022.*

ENSURING THAT ALL WORKERS AND WORKPLACES ACROSS THE TERRITORY ARE SAFE AND HEALTHY

WorkSafe ACT is committed to preventing injury and traumatic fatality and during 2021-22 will develop and begin implementing a range of strategies to support compliance with relevant legislation.

These strategies and awareness campaigns will include development and implementation of:

- a young workers' strategy, including addressing the health and safety of apprentices – **COMPLETE**; launched November 2021

- a strategy to prevent Musculoskeletal Disorders – **UNDERWAY**; due for release March 2022
- an occupational lung diseases strategy - **COMPLETE**; launched January 2022
- a lead risk awareness campaign - **COMPLETE**; launched December 2021; focused on the ACT Education Directorate who are conducting upgrades to our local schools
- a collaborative and proactive effort with HWSA to develop a national approach to support the WHS outcomes of workers in the food delivery industry – **UNDERWAY**; meeting March 2022, and
- a hazardous chemicals awareness strategy – **UNDERWAY**; due for release before June 2022.

WorkSafe ACT will develop and implement a social media strategy to ensure the greatest connection and engagement with all workers and PCBUS.

- 153 followers on LinkedIn at the end of January.
- A video was published on the ACT Government YouTube channel about high-low lifts.

WorkSafe ACT will begin recruiting and inducting new inspectors across its operations to improve compliance in key areas including:

- dangerous substances and hazardous chemicals including asbestos
- young workers and apprentices
- psychosocial hazards
- construction
- labour hire licensing, and
- workers' compensation.

ADDRESSING WORK RELATED IMPACTS OF CLIMATE CHANGE

WorkSafe ACT will develop guidance material for air quality, working in weather and extreme heat risks to improve industry capability to manage these issues in the workplace.

- This work will be delivered under the Occupational Lung Diseases Strategy, launched in January 2022.

SUPPORTING THE FAMILIES OF THOSE KILLED OR SERIOUSLY INJURED AT WORK

WorkSafe ACT will actively implement the National Principles during 2021-22 through the engagement of a family liaison officer and the development of jurisdiction specific materials.

- *a Family Liaison Officer has been recruited.*
- *the Service Charter is now available online.*
- *a Work Program for Family Liaison will be developed before June 2022.*

CONTINUING TO WORK TO IMPROVE THE SAFETY CULTURE IN THE CONSTRUCTION INDUSTRY

The safety culture in the construction industry remains inconsistent creating a high-risk working environment for its workers.

Economic indicators highlight a significant rise in residential construction activity in the 2021-22 period, with residential dwellings approvals in March 2021 increasing by 121.1% over those of March 2020.

WorkSafe ACT will maintain its strong and ongoing focus to improve compliance and safety standards across both residential and commercial sectors.

- *Operation Safe Prospect is under evaluation.*
- *The Residential Construction Strategy will be refreshed and implemented based on its outcomes.*
- *WSIR are conducting a review of the infringement scheme to enable a broader range of infringement notices in this industry.*

IMPROVING THE OPERATIONAL EFFICIENCY OF WORKSAFE ACT

WorkSafe ACT will remain focused on ensuring improvements to its governance and operations continue to build on the recommendations of the 2018 Independent Review.

During 2021-22, WorkSafe ACT will commence the implementation of the remaining recommendations from the 2018 Independent Review which focus on capability development.

- *The Capability Framework is being progressively implemented from February 2022.*

WorkSafe ACT will continue to improve its case management system, Salesforce.

WorkSafe ACT will recruit a systems manager to ensure the on-going effectiveness of this and its other IT systems.

- *A Systems Manager has been recruited. Phase 3 of Salesforce development planned and procurement under way.*

An internal audit function will be established as a critical part of WorkSafe's corporate governance.

- The internal audit function will be used to test management and internal controls and provide assurance that they are fit for purpose, ensuring WorkSafe ACT's

corporate activities are conducted in accordance with the proper legislative, regulatory and policy framework.

- *The Audit and Risk Committee has been established:*
 - *chaired by Mr Finn Pratt.*
 - *an Internal auditor has been appointed.*

ENSURING COMPLIANCE WITH THE WORKERS COMPENSATION ACT

WorkSafe ACT will develop and publish a workers' compensation compliance and enforcement policy during 2021-2022.

FINANCIAL YEAR TO DATE

PROGRESS ON INDEPENDENT REVIEW

Page 48

The Independent Review of the ACT's Work Safety Compliance Infrastructure, Policies and Procedures (the 2018 Independent Review) identified a suite of legislative, governance and administrative changes necessary to enable WorkSafe ACT to be an effective and efficient WHS regulator.

There were only five of the 27 recommendations to be actioned as at 30 June 2021 and these will be met through the development and implementation of a capability framework.

- This framework will formalise the agency's training, workforce capability and succession planning requirements, particularly to improve WorkSafe ACT's regulatory operations.

The transition program has seen a range of corporate and regulatory governance, technological and cultural changes to WorkSafe ACT since its establishment including:

- the development of a governance framework linking corporate and regulatory governance processes
- the creation of financial and human resource policies, processes, procedures and delegations to support the efficient and effective operation of the agency
- finalisation of a new organisational structure, including recruitment of the Deputy WHS Commissioner
- the creation of the Case Management Panel to formalise regulatory governance processes, including decision making
- the completion of a review of regulatory delegations including the adoption of revised delegations
- launch of the first WorkSafe ACT Women's Committee
- review and as required, redrafting of Standard Operating Procedures across the agency
- refinement of the Terms of Reference and operating procedures of the Senior Leadership Team (SLT) meetings, including the provision of SLT meeting outcomes to all staff
- relocation from Dickson to Civic
- new branding, livery and uniforms
- the establishment of the WorkSafe ACT Staff Consultative Committee
- the establishment of the WorkSafe ACT Audit and Risk Committee with the appointment of Mr. Finn Pratt as its independent chair
- the implementation of Salesforce as WorkSafe ACT's case management system in October 2020, to enhance data collection, analysis and reporting which is being used to inform strategic priorities, programs and activities and enable better evidence-based decision making

- the conduct of a pilot of the iAuditor application to further enhance consistency in regulation and improve data collection and reporting
- development and implementation of a Records Management Framework
- development of internal and external communication strategies, and
- the launch of a new website in September 2020 to make guidance material and information more accessible to workers and PCBU's. The website was developed following stakeholder engagement and consultation and has improved communication about incident and enforcement outcomes.

In addition to work on the development of the capability framework, WorkSafe ACT has addressed capability gaps through targeted recruitment.

- The engagement of new staff, both on a temporary and permanent basis, through various means including formal recruitment processes, temporary arrangements with other directorates, the engagement of a graduate through the graduate program, and the Jobs for Canberrans scheme, has allowed for a cultural transformation and renewed energy across the organisation.

BUSINESS PLAN PROJECTS AS AT 31 JANUARY 2022

Project	Responsibility	Timeframe	Traffic light
Enabling Services			
<i>Develop a WorkSafe Capability Framework</i>	<i>Senior Director, Strategy (on secondment)</i>	<i>Completed by end December 2021</i>	<i>Complete</i>
Implement Capability Framework	Corporate & HR	Progressively implemented, implementation plan completed by end February 2022	On track
Develop a People Strategy	Corporate & HR	To be completed by March 2022	On track
Implementation of HRIMS	Corporate & HR	Following launch in November 2021	Delayed launch and migration – July 2022
Development of Standard Operating Procedures for revenue recognition and debt collection	Finance	Completed by end February 2022	On track
<i>Preparation of Agency Annual Report</i>	<i>Executive Officer and Deputy WHS Commissioner</i>	<i>Report must be tabled in December 2021 (delayed due to COVID lockdown)</i>	<i>Complete</i>
Continuous Improvement of EDRMS	Corporate & HR and Strategy & Occupational Hygiene	Ongoing following migration	On track
<i>Updated HR delegations</i>	<i>Corporate & HR</i>	<i>Completed by end September 2021</i>	<i>Complete</i>
Updated Finance delegations and Commissioner's Instructions	Finance	Completed by end February 2022	On track
<i>Implementation of audit findings including establishment of Audit and Risk Committee</i>	<i>Corporate & HR</i>	<i>Audit plan and Committee established by September 2021</i>	<i>Complete</i>
<i>Development of internal budget</i>	<i>Finance</i>	<i>Completed by end October 2021</i>	<i>Complete</i>

Project	Responsibility	Timeframe	Traffic light
Move to Nara centre and establishment of ABW environment plan	Corporate & HR	Plan for ABW completed by end December 2021	On track, noting delay in move to Feb 2022
Compliance and enforcement			
<i>Development of evidence collection and management Standard Operating Procedures</i>	<i>Major Investigations Team</i>	<i>To be completed by December 2021</i>	<i>Complete</i>
Development of work program for Family Liaison including the development of a service charter for affected families	Major Investigations Team	To be completed by the beginning of November 2021	Delayed due to resourcing though Service Charter drafted; recruitment now completed
<i>Develop psychosocial compliance support activities</i>	<i>Psychosocial</i>	<i>By end September 2021 to feed into Psychosocial Strategy</i>	<i>Complete</i>
<i>Plant design and registration</i>	<i>Inspectorate</i>	<i>To be completed by December 2021 - all current exemptions completed</i>	<i>WSIR considering if legislative changes still required</i>
Development of a Commercial Construction Strategy	Construction & Hazardous Chemicals	Completed by end December 2021	Delayed due to resourcing
Plan a review of Standard Operating Procedures and undertake review	Systems	Completed by end 2021	Delayed due to resourcing, scope for consultancy in draft
Planned continuous improvement of Salesforce	Systems	June 2022	On track
Implementation of Operational Compliance Plans	Inspectorate	As per each plan	On track
Implementation of revised workers' compensation licence arrangements for	Workers' Compensation	May 2022	On track

Project	Responsibility	Timeframe	Traffic light
approved insurers and self-insurers			
<i>Development of compliance and enforcement policy for Labour Hire Licensing Scheme</i>	<i>LHL</i>	<i>October 2021</i>	<i>Complete</i>
Development of compliance and enforcement policy for workers' compensation	Workers' Compensation	End March 2022	On track
Strategy and occupational hygiene			
Develop specific and nuanced guidance material for air quality and extreme heat risks to improve industry capability to manage these issues in the workplace	Strategy & OH	Before the beginning of the 2021-22 bushfire season	Delayed due to resourcing: web content and supporting documentation in draft
<i>Development of a psychosocial management strategy which includes work-related violence and sexual harassment</i>	<i>Strategy & OH</i>	<i>To be launched during Safe Work Month (October)</i>	<i>Complete</i>
Refine internal communication strategy	Strategy & OH	To be completed by end January 2022	Delayed due to resourcing
<i>Development of an occupational lung diseases strategy</i>	<i>Strategy & OH</i>	<i>To be launched during Safe Work Month (October 21)</i>	<i>Complete</i>
<i>Silica dust in construction – guidance material and proactive campaign</i>	<i>Strategy & OH</i>	<i>November 2021 (guidance), December 2021 (rollout)</i>	<i>Complete</i>
<i>Lead risk work awareness campaign</i>	<i>Strategy & OH</i>	<i>Completed by end December 2021</i>	<i>Complete</i>
<i>Development of a young workers' strategy including apprentices</i>	<i>Strategy & OH</i>	<i>Completed by end November 2021</i>	<i>Complete</i>

Project	Responsibility	Timeframe	Traffic light
Revise and continue to implement Residential Construction Strategy	Strategy & OH	Strategy to be revised by end September 2021. Implementation is ongoing.	Delayed due to resourcing; revision drafted and under review
Develop a stakeholder engagement strategy	Strategy & OH	To be completed by end February 2022	On track
Development of a social media strategy	Strategy & OH	To be completed by end September 2021	Complete
Website update plan and internal SharePoint site	Strategy & OH	To be completed by end November 2021	Plan in draft and under review
Development and implementation of a data governance framework	Strategy & OH	To be completed by early December 2021	Framework drafted and under review
Development of a Strategy to prevent Musculoskeletal Disorders	Strategy & OH	To be completed by end March 2022	On track

COVID-19 COMPLIANCE

ACT Government announced a COVID-19 lockdown on 12 August 2021.

WorkSafe ACT adjusted its inspection program accordingly and in consultation with ACT Health, provided advice about what was considered "essential work".

- During lockdown, we conducted 258 surveillance activities with 24 matters referred to ACT Policing for significant COVID-19 breaches.
- WorkSafe received over 100 emails per week over the period of 13 August to 24 October and over 100 phone calls per week for the same period.
 - Enquiries ranged from reports of positive COVID-19 cases, complaints about non-essential works and requests for information about a safe return to work.

Large scale construction returned to works on 3 September 2021 and Residential construction returned on 10 September 2021.

- Worksafe ACT worked closely with ACT Health and Major Projects Canberra to provide PCBUs with a construction checklist that clearly outlined the Public Health and WHS requirements for returning to work.
- WorkSafe ACT inspectors were delegated as Public Health Officers in September 2021 to assist with COVID-19 compliance.
- Inspectors carried out 459 inspections in September and November with a focus on COVID-19 compliance.
- Compliance was initially low (34% in September) but built as work returned (up to 70%) by the end of October. Only one COVID-19 breach was detected in December.

Retail trade reopened on 22 October.

- 32 COVID-19 inspections were conducted across Fyshwick, Mitchell, Majura, Gungahlin and Belconnen.

WorkSafe ACT continues to work with ACT Health, WSIR and Safe Work Australia to provide relevant information to PCBUs about their WHS obligations to manage the risks of COVID-19 at the workplace.

Key COVID-19 campaigns

Residential construction; September:

- 14 September Denman Prospect
 - 5 improvement notices were issued over 9 workplace visits.
 - Only 1 notice was in relation to a COVID-19 breach.
- 16 September Strathnairn
 - 33 notices issued over 16 workplace visits.
 - Roughly 70% were issued for COVID-19 breaches.
- 21 September Taylor
 - 43 sites were visited with 68 notices issued.
 - Roughly 20% of notices were issued for COVID-19 breaches.

- Other breaches included site security and site facilities, and management of risk associated with falls from heights.
- 23 September Throsby
 - 27 sites were visited, and 56 notices issued.
 - Roughly 43% of notices issued for COVID-19 breaches.
 - Other breaches included site security and site facilities, and management of risk of falls from heights.

Large scale Construction; September:

- 34 WPVs
- 10 desktop audits of COVID Safety Plans

Residential construction; October:

- Inspectors conducted 57 site inspections targeting Taylor, Strathnairn, Whitlam, Denman Prospect and Throsby.
- Limited non-compliance was also identified in Weston, Lawson, Red Hill, Weetangera, Phillip, O'Connor, Coombs and Duffy.

MAJOR INVESTIGATIONS

Background

- The Major Investigations Team have nine open investigations ranging from fall from heights (resulting in paralysis), a construction formwork collapse to falling cable racking resulting in serious injury of a young worker.
- There are three cases before the court regarding sentencing of a fatal crane incident, collapse of tilt up concrete panels and a fatality resulting from a fall from heights.
- Two cases are currently before the Coroner.
- The four Enforceable Undertakings (EU) currently in force are delivering over \$2.198 million in strategies for worker, community and industry benefits with \$3.17million spent on workplace rectification works for the period of 2020 to 2023.
 - The Community Services Directorate (Bimberi) EU accounts for \$1.8 million in strategies and \$2.993 million in rectification works.

Issues

- The first WorkSafe ACT court case in 2022 was the Multiplex fatality sentencing. Convicted and fined \$150,000.
- RAR sentencing for the Canberra Hospital/Multiplex fatality is scheduled for 25 March 2022.
- Better Building Holdings Pty Ltd is scheduled to appear on 28 February 2022 for the fatality in February 2020 at a construction site in Denman Prospect.

Worker fatality on 8 December 2021

On 8 December 2021 at 11:33am, WorkSafe ACT were informed by ACT Policing of the fatality of a worker at Taylor after being hit by a truck. ACT Policing informed that a unit was on route. ACT Ambulance Service were also notified of the incident.

Worksafe ACT's Major Investigations Team were dispatched and worked closely with ACT Policing at the site of the incident.

As the incident occurred on a public road, as opposed to a worksite, on 9 December, ACT Policing informed WorkSafe ACT that the fatality would be managed by ACT Police as a road fatality, including providing family liaison and support.

WorkSafe ACT closed its investigation on 2 February 2022 and will assist ACT Policing with the report for the Coroner.