

Recent Developments in OHS in Australia

Tom Fisher

Group Manager

Office of the Australian Safety and Compensation Council, Australia

Good afternoon and thank you for inviting me to speak at the XVIII World Congress on Safety and Health and Work – Global Forum for Prevention today.

It is an honour to be asked to Chair today's session which of course is the Asia-Pacific Regional Meeting.

Today I am speaking as Group Manager for the Australian Safety and Compensation Council. I am also the Australian Federal Safety Commissioner. Both roles see me working on many OHS policy issues within the Australian government's workplace relations portfolio.

As the Federal Safety Commissioner I am responsible for promoting world class OHS outcomes on Australian building and construction projects, developing and administering the Australian Government Building and Construction OHS Accreditation Scheme and identifying and progressing initiatives. Some of you may have heard me speak about this earlier today.

As Group Manager of the Office of the ASCC I am responsible for promoting best practice in OHS, improving workers' compensation arrangements and improving rehabilitation and return to work for injured workers.

These two organisations promote and implement safety initiatives to better support the Australian workforce and work towards achieving the highest possible OHS standards across Australia.

The Australian Safety and Compensation Council (ASCC) was established in 2005 to oversee policy development in both OHS and worker's compensation. The ASCC is a tripartite body with members representing each of the Commonwealth, state and territory government OHS regulators, employers and employees in Australia.

The ASCC currently:

- Develops national OHS and workers' compensation policy;
- Leads and coordinates national efforts to prevent workplace injury and disease;
- Develops and declares national OHS standards and codes of practice;
- Undertakes research and data collection; and
- Promotes consistency in legislation developed by the Commonwealth, state and territory governments.

The Office of the ASCC is part of the Department of Education, Employment and Workplace Relations and our Minister is the Hon Julia Gillard MP, who is also the Deputy Prime Minister.

Status of OHS in Australia

Australia currently ranks in the top six countries in the world for reducing work-related deaths, with a 13% decrease in accepted compensation claims and a 36% decrease in compensated fatalities since 1996.

While these figures are encouraging, even one injury or fatality in the workplace is one too many.

Over 140 000 Australians are seriously injured at work every year and more than 250 die as a result of work-related injuries.

There have been 231 compensated fatalities recorded so far for Australia for 2005-2006, of which 184 were from injury and musculoskeletal disorders and 47 were from other diseases.

Many of these are preventable deaths.

This year, 17 in every 1000 employees will be off work for at least a week due to work-related injury and disease, two of these will need over six months off work to recover from their injuries or illness.

On the whole I'm proud to say that OHS in Australia is improving but it's not improving quickly enough.

Our objective is to improve the safety of **all** working Australians and at the same time reduce the regulatory burdens on business.

What we have achieved to date

Looking back on the past few years, Australia has seen many achievements regarding OHS in Australia.

We have seen the development and implementation of the *National OHS Strategy 2002-2012* which provides a basis for developing sustainable, safe and healthy work environments and for reducing the number of people hurt, made ill or killed at work.

The National Strategy includes monitoring, evaluation and reporting mechanisms.

The National Strategy focuses on five main priority industries:

- Manufacturing;
- Transport and Storage;
- Agriculture, Forestry and Fishing;
- Building and Construction; and
- Health and Community Services.

Within these industries, the five priorities of the National Strategy are:

- Reduce high incidence/severity risks;
- Improve the capacity of business operations to manage OHS effectively;
- Prevent occupational disease more effectively;
- Eliminate hazards at the design stage; and
- Strengthen the capacity of government to influence OHS outcomes.

Of course, the strength in the National Strategy is in the fact that all governments, employers and unions signed it.

The targets as set out in the National Strategy are:

- Sustain a significant, continual reduction in the incidence of work-related fatalities with a reduction of at least 20 per cent by 30 June 2012; and
- Reduce the incidence of workplace injury by at least 40 per cent by 30 June 2012.

While the gap between Australia and the better performing countries has reduced, it is unlikely that Australia will meet the goal unless substantial improvements are recorded in future years.

Certainly, the ASCC has accomplished a great deal under the National Strategy. Some of our achievements include (but are not limited to):

- All OHS regulators have incorporated the National Strategy into their Business Plans,
- Regulators have cooperated to develop, deliver and evaluate national OHS campaigns
- Development of the Draft Code on Safe Design in Construction;
- A programme developed for Small Business OHS Advisors;
- An engineers resource for Safe Design for Engineering Students; and
- Promotion of safety in the workplace through initiatives such as *Safe Work Australia Week* and the national Safe Work Australia Awards.

The National Strategy has successfully provided a focus for closer cooperation amongst ASCC members. Indeed, these initiatives could not have been achieved without the help of our jurisdictional counterparts.

The ASCC has developed a range of Standards and Codes to address the priority OHS areas outlined in the strategy. These include (but are not limited to):

- The National Code of Practice for Precast, Tilt-up and Concrete Elements in Building Construction;
- The National Standard for Licensing Persons Performing High Risk Work;
- National Standard for Construction Work;
- National Standard and Code of Practice for Manual tasks; and
- National Code of Practice for Induction for Construction Work.

The ASCC also participates in a range of international activities with a view to improving national and international outcomes in occupational health and safety and workers' compensation and representing Australia's interest.

These activities involve inter-government organisations such as the United Nations, the Organisation for Economic Cooperation and Development, the World Health Organisation and the International Labour Organisation.

What the future holds

But we are not standing still!

With the recent change of government in the November 2007 Australian Federal election, OHS has now become one of the top priorities for reform on the nation's agenda.

Australia's OHS performance relative to other countries is continuing to improve. However, a number of challenges remain.

The most important challenge is harmonising OHS systems. OHS regulation affects every workplace in Australia. Australia, for those that don't realise it, is a Federation. The Australian Commonwealth and states, and territories all have OHS laws that aim to prevent workplace death, injury and disease.

While all Australian jurisdictions broadly take a similar approach to regulation of safer workplaces, which is underpinned by a principal OHS Act, the current regulatory systems differ between jurisdictions in detail, varying degrees on substantive matters including compliance and enforcement.

This makes it difficult for people within some industries to work in different states and territories easily as many need different qualifications in different states to be able to work across borders. And of course companies need different systems to cope with these different approaches.

The Council of Australian Governments (COAG) on which the Commonwealth and states and territories are represented at the highest level, has also recognised the desirability of moving towards harmonisation of priority areas within OHS legislation and to improve the development and adoption of national standards.

As recently as 23 March 2008, all Governments committed to an intergovernmental agreement on national harmonisation of OHS laws to be signed by May. I am pleased to advise you that the agreement has been signed and we are progressing with implementing that agreement.

Prime Minister Kevin Rudd and the Premiers agreed that harmonising OHS laws was a 'top priority' for reforming regulations for business.

The Federal and State Governments agreed to model legislation being developed by September 2009. The model legislation will consist of a principal OHS Act, supported by model regulations that can be readily adopted by all jurisdictions.

As the first step in the harmonisation process, the Australian Government announced the commencement of a National Review into Model OHS Laws on 4 April 2008. A panel has been appointed to conduct a national review to inform the development of a model OHS Act.

The review will have as its starting point the work undertaken in recent years at the federal, state and territory level. All stakeholders will have an opportunity to provide their views, for consideration by the panel, on the structure and content of a model OHS Act that would be adopted by all Australian jurisdictions.

The Australian government has also committed to replace the ASCC with a new and independent national body, Safe Work Australia.

This agreement is another part of the commitment to work to harmonise OHS laws that the Labour party noted in their election policy during the 2007 federal election campaign.

Safe Work Australia will be the principal national organisation driving policy development in respect of OHS and workers' compensation matters.

It is intended that Safe Work Australia will commence operations in October 2008.

All of this work is being progressed with the aim of creating better harmonisation of OHS laws in Australia, to better support the Australian workforce and to achieve the highest possible OHS standards in Australia's history.

As you can see it is a difficult but challenging time for the Office as well as in the occupational health and safety sector in Australia. I am looking forward to the changes ahead and hope to keep you informed of what we are doing in the near future.

Thank you.