



Australian Government

Comcare



# WORK HEALTH & SAFETY

## Year in Review 2021

Effective national regulator



## CEO overview

**I present the Work Health and Safety Year in Review report for 2021, highlighting compliance and enforcement activities to promote and enable safe and healthy work across the Commonwealth jurisdiction.**

Psychosocial work health and safety (WHS) risks beyond the pandemic environment were a significant focus for Comcare in 2021. This reflects the pattern of increased numbers of mental health claims and the anticipated amendments to the Work Health and Safety Act 2011 (WHS Act) following the Boland review of the Model WHS Laws.

The release of the *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report* in 2020 has given rise to heightened awareness and increased focus on understanding, preventing and reporting workplace sexual harassment across our jurisdiction. In collaboration with the Australian Human Rights Commission, Comcare has developed extensive online training and **regulatory and practical guidance on workplace sexual harassment**, aligning with the national guidance from Safe Work Australia.

We have progressed additional engagement opportunities in this space. Comcare hosted a **national forum on workplace sexual harassment** in November 2021 that was attended by more than 1,000 people. Part of the Australian Government's response to the Respect@Work report, the forum had a theme of *influencing positive change*, focussing on raising awareness of workplace sexual harassment and developing best practice regulatory responses.

This work is important as we move towards amendments to the model WHS Regulations to deal with psychological injury, which will be further supported by Safe Work Australia's work to develop a model Code of Practice on psychological health.

To consolidate and expand on Comcare's initiatives to help employers and workers deal with **psychological risks and hazards** in the workplace, we are establishing a new psychosocial inspectorate team with specialist members. The new team will focus on proactively supporting the jurisdiction with managing and responding to issues including bullying, harassment and sexual harassment, along with conducting psychosocial inspections and investigations.

We have also established a specialist inspectorate team to focus on WHS risks at major infrastructure projects across Australia. There are already a number of major road and rail projects underway within our jurisdiction, such as underground rail infrastructure in Melbourne and Sydney. Commonwealth-funded developments including Snowy Hydro 2.0, Western Sydney International Airport and the Inland Rail project are in their early stages. The **Major Infrastructure Projects team** has experience in construction and engineering and is working nationally to proactively monitor high-risk activities and safety systems.

The pandemic continues to present regulatory challenges, with a constantly evolving landscape where national employers are required to monitor public health advice in each state and territory daily to stay on top of COVID-19 risks. While we are seeing an increasing number of WHS concerns related to COVID-19 infections and controls coming from workers, unions, other WHS regulators and members of the public, our proactive work with employers gives us confidence that they are managing the risks well. Comcare will continue to take a supportive and educative regulatory approach, particularly where genuine attempts are being made by businesses to comply with WHS laws.

Our ongoing enforcement work resulted in important outcomes in 2021 including a **\$1.5 million enforceable** undertaking that will deliver major health and safety improvements at CSIRO's laboratories, and a **\$1 million penalty** against the Department of Defence over a fatality – the largest penalty recorded under the Commonwealth WHS Act.

Comcare will continue to support our diverse jurisdiction of more than 400,000 workers and 200 employers with nationally consistent, targeted risk-based regulatory activities.

**Sue Weston PSM**  
Comcare CEO





## About the cover

Comcare works with a diverse range of employers across the public and private sectors, including CSL Ltd. CSL was instrumental in the manufacture of the AstraZeneca Vaxzevria vaccine at their facilities in Melbourne in 2021.

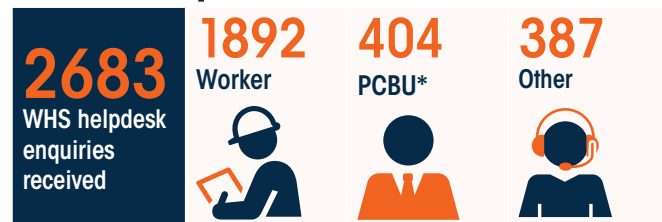
The vaccine is one of four currently approved COVID-19 vaccines in Australia and was originally developed by Oxford University in the United Kingdom. To 9 January 2022, 13.7 million doses have been administered in total in Australia. Comcare works with CSL to ensure a safe and healthy workplace for its workers. The cover of this document features CSL workers in their laboratories and was supplied by CSL Ltd.

## WHS incidents



\*Fatality, Serious Injury or Illness and Dangerous Incident are terms defined under the WHS Act.

## WHS helpdesk



\*Person conducting a business or undertaking

## Death of a person breakdown



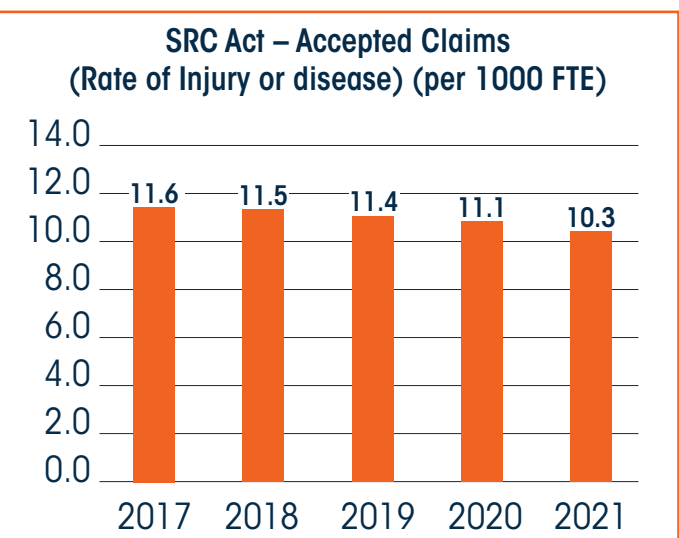
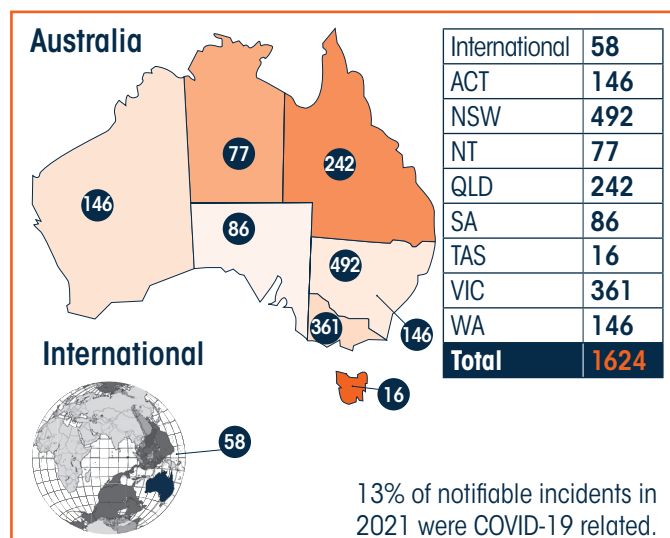
## COVID-19 breakdown



\*Incidents relate to the actual number of incidents that were reported to Comcare as occurring and removes duplication by multiple PCBU's reporting the same incident.

NB: The number of Worker and Other Person deaths is greater than the number of Death of a Person incidents due to multiple deaths resulting from one incident.

## Notifiable incidents





## Inspectorate activities



**283**  
Providing  
information  
and advice



**1313**  
Monitoring  
compliance  
inspections and  
investigations



**1596**  
Compliance and  
enforcement  
activities

**99%** of inspections with  
corrective actions in the  
inspector report were subject  
to verification inspections,  
exceeding the target of **95%**

## Monitoring and compliance activities

Activities	ACT	NSW	QLD	SA/NT	VIC/TAS	WA	National
Inspections*	117	273	133	97	172	117	216
Verifications	41	37	33	34	27	6	4
Investigations commenced	2	1	2	1	0	0	0

\*Excl. Telecommunications Asbestos Safety Compliance activities.

## Other activities

### Notices



**17**  
Improvement  
notices  
under s191

**9**  
Prohibition  
notices  
under s195

**23**  
Non-disturbance  
notices  
under s198

**325**  
Notices to provide information  
and/or documents  
under s155

**4**  
Power to require  
production of documents  
under s171

### Proactive WHS System audits



**5** In person (one was hybrid  
– face-to-face and online)\*\*

### Approvals and authorisations



**3406** total

### Prosecutions under the WHS Act



**2** Commenced

### Approvals and authorisations

**3** HSR/EPH course approvals

**600** High-risk notifications\*

### Prosecutions under the WHS Act



**7** Continued

### Telecommunications Asbestos Safety Compliance program activities



**1205** Site visits and assessments

### Approvals and authorisations

**1753** High-risk work licences  
**1050** Plant authorisations

### Prosecutions under the WHS Act



**5** Concluded criminal proceedings

\*High-Risk Notifications includes Abandoned Tank Notifications, Carcinogen Authorisations, Demolition Works Notifications, Emergency Demolition Works involving Asbestos Notifications, Health Monitoring Reports, High Respirable Asbestos Fibre Levels Notifications, Lead Risk Work Notifications, Licensed Asbestos Removal Work Notifications (Notifiable), Manifest Notifications, and Pipeline Notifications.

\*\*Denotes the number of Federal Employer Audits and does not include the Licensee WHS Management Systems Audits conducted on behalf of the Safety, Rehabilitation and Compensation Commission (SRCC).



## Telecommunications Asbestos Safety Compliance (TASC) 2021 activity

Comcare has a dedicated program regulating the rollout of the National Broadband Network (NBN). The TASC program aims to ensure the highest levels of work health and safety are applied to the rollout of the NBN through a risk-based, cooperative and proactive approach.

During 2021, the TASC program achieved:

- **1205** site visits and assessments
- **343** contractors assessed
- **46.6%** (160) of contractors assessed were new contractors.

## Major Infrastructure Projects (MIP) team activities

The MIP team has been operational since November 2020. The team was established in response to emerging safety risks in the construction industry, with a primary focus on Major Infrastructure Projects, defined as those valued over \$100 million and/or projects with complex high risks. The team works nationally and is based in both Sydney and Melbourne. It is made up of inspectors with relevant capabilities.

With the substantial increase in major projects and construction across Australia in recent years, the MIP team has implemented intelligence-led risk-based inspectorate activities, in both a reactive and proactive capacity, that promote health and safety and understanding of how a project's risk profile changes over time, focussing on high-consequence hazards throughout the lifecycle of the project.

MIP prioritise the systematic analysis of identified critical milestone activities and provides specialist response to minimise the number and/or severity of WHS incidents by undertaking proactive activities. These activities aim to:

- Provide assurance of PCBU compliance
- Encourage continuous improvement
- Promote the sharing of information and best practice
- Advance awareness and understanding of change and inclusive better practice.

## 2021 MIP inspections

- **236** Total
  - **114** were proactive
  - **122** monitoring and compliance inspections in response to notifiable incidents.

The MIP team also led 47 stakeholder engagements, and 13 Joint Regulator Inspections. The team's external stakeholder engagements have included Construction Forestry Maritime Mining Energy Union, Australian Workers Union, Electrical Trades Union, Community and Public Sector Union. Consistent feedback throughout the year indicates that the engagements are well received.

Through 2021, 23 major infrastructure projects were identified and engaged within the program, and an intelligence report from September 2021 has highlighted another 17 new high-profile major infrastructure projects to start in 2022.





MIP has membership on the Heads of Workplace Safety Authorities (HWSA), Major Infrastructure Construction Projects Community of Practice and the National Silica Working Group.







## Education and engagement

By collaborating with Safe Work Australia, Heads of Workplace Safety Authorities and other regulators, Comcare provided education, content and information to support businesses and undertakings on a range of topics from mental health, safe and healthy work, workplace sexual harassment and managing the risks of COVID-19.

Activities	Outcomes	
 <b>Webinars and digital forums</b>	Attendance	Satisfaction rating
Workplace Sexual Harassment: Creating a culture of respect – never part of the job	407	96%
Think Safe. Work Safe. Be Safe. Micro webinar	150	N/A not captured
<b>Mental Health Community of Practice</b>	Attendance	Satisfaction rating
'Managing and Preventing Burnout in the Workplace' was the topic for 2021's first event. Guest speakers shared their observations and key insights on burnout at work.	128	100%
'Post-COVID: Learnings for the workplace' looked at what leaders have learnt and continue to learn while supporting staff through a pandemic and how managers, HR and WHS professionals can continue to support staff through this transition period.	79	94%
 <b>national safe work month</b> Comcare's National Safe Work Month webinars supported the 2021 theme of <b>Think Safe. Work Safe. Be Safe.</b>	Attendance	Satisfaction rating
<b>Managing psychosocial hazards and risks:</b> practical, solutions-based content drawing on the data, insights and challenges faced by employers in psychosocial risk and hazard management.	617	91%
<b>Leadership and resilience in changing times:</b> practical, solutions-based content drawing on the data, insights and challenges faced by employers in psychosocial risk and hazard management.	363	98%
<b>Maintaining safe and healthy workplaces into the future:</b> looked at the future of work and current trends and what we can do as individuals and workplaces to embrace change.	295	91%
 <b>NewAccess</b> Developed by Beyond Blue <b>workplaces</b>	Participating Agencies	Recovery rate*
Comcare has partnered with Beyond Blue to provide a mental health coaching service to Australian Public Service (APS) agency partners over two-years.	16	72% (Jun 2020 - Nov 2021)
*Recovery rate describes the percentage of people who enter the program above the clinical threshold for anxiety and/or depression and exited the program below the clinical threshold.		
 <b>Workplace Sexual Harassment National Forum</b> This two-day event explored the theme 'influencing positive change' with a focus on workplace sexual harassment risks, management and prevention.	Attendance	Satisfaction Rating
Day One	733	95%
Day Two (by invitation only)	220	100%

Hosted by Comcare in collaboration with Safe Work Australia, and state and territory work health and safety regulators, hundreds of attendees joined the virtual sessions on Day One to hear from presenters like Sex Discrimination Commissioner Kate Jenkins, Safe Work Australia CEO Michelle Baxter and Commander Jason Kennedy APM from the Australian Federal Police. Day two sessions were provided for staff from regulatory organisations, providing a closed forum to share knowledge. Day One recordings from the event, are available on the [Comcare website](#).



 <b>COVID-19 guidance</b>	 <b>WHS digital learning</b>
<p>Comcare continued providing its range of COVID-19 resources and guidance for employers and workers, covering information on:</p> <ul style="list-style-type: none"> <li>• Working from home</li> <li>• Maintaining COVID-safe work and workplaces</li> <li>• Looking after mental health and wellbeing</li> <li>• Managing and preventing WHS risks</li> <li>• Correct use of face coverings.</li> </ul> <p><b>Most frequently downloaded resources</b></p> <ol style="list-style-type: none"> <li>1. Working from home checklist: <b>1289</b></li> <li>2. Maintaining a COVID safe workplace: <b>600</b></li> <li>3. Working from home guide for employers: <b>560</b>.</li> </ol> <p><b>Website visits</b></p> <p><b>22,586</b> visits were made to the <a href="#">coronavirus</a> webpage.</p>	<p>Comcare continued offering its range of WHS learning courses through our learning management system, called Comcare LMS during 2021. As COVID lockdowns and work from home arrangements became common across Australia, this provided a convenient way for participants to engage with our training.</p> <p>Participants attending out facilitated workshops recorded satisfaction ratings of 92% or above across all our training key performance indicators.</p> <p><b>Training delivered</b></p> <ul style="list-style-type: none"> <li>• Self-paced courses completed: <b>8136</b></li> <li>• Facilitated workshop attendees: <b>1174</b>.</li> </ul> <p><b>Top three WHS self-paced courses</b></p> <ol style="list-style-type: none"> <li>1. Work health and safety for workers</li> <li>2. Work health and safety for managers</li> <li>3. Introduction to WHS risk management.</li> </ol>

## Regulatory priorities and work activity programs 2019-2022

Comcare identified four regulatory priorities through an extensive process of engagement, consultation and analysis of our regulatory intelligence, injury and WHS data.

	<p><b>Psychosocial impacts relating to organisational change</b></p>		<p><b>WHS contractor management</b></p>
	<p><b>Transport industry body stressing</b></p>		<p><b>WHS management systems</b></p>

The Regulatory Work Activities Planning Model (**RWAPM**) was designed as a multi-year program to benchmark compliance, provide education and engagement, and improve jurisdictional understanding of the appropriate controls available in relation to the regulatory priorities.

Due to COVID-19 restrictions, initial benchmarking activities were deferred to the first half of 2021. The targeted PCBUs were contacted in March 2021 inviting their participation in the program. This activity was intended to be conducted through face-to-face inspections, however the restrictions imposed by COVID-19 necessitated desktop reviews.

Workbooks for three of the regulatory priorities were developed through consultation with the inspectorate and subject matter experts across Comcare. Fifteen reviews were conducted across the priority areas:

- WHS contractor management - 6 PCBUs participated
- Transport Industry Body Stressing - 6 PCBUs participated
- Psychosocial impacts relating to organisational change - 3 PCBUs participated

The remaining priority, WHS management systems, was reviewed throughout the program in conjunction with the other priorities.

Following the evaluation of the completed workbooks, the next stages of this program are being developed and will be implemented in 2022. Phases two and three will focus on delivering program objectives with an emphasis on targeted education and engagement.





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## Contact us

Book WHS training: [comcare.gov.au/training](https://comcare.gov.au/training)

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