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2023-24 Regulatory Priorities and Incident Management Webinar

Monday 31 July 2023
1.30pm – 3.00pm AEDT





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Acknowledgement of Country

Acknowledgement of artist
Healing Hands – Cover artwork by Dion Devow of Darkies Designs





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Overview of Session

Comcare's Regulatory Priorities

Regulatory approach to incident
management

Webinar Q&A



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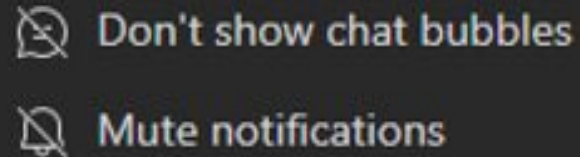
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Director, Regional Operations
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Housekeeping

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Don't show chat bubbles
Mute notifications



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Comcare's Purpose

Promoting and enabling safe and healthy work

- Comcare is the national work health and safety regulator and workers' compensation authority
- We understand and promote the health benefits of good work
- Our aim is to make workplaces healthier and safer



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Background: 2023-24 Regulatory Priorities



- **What is the aim of regulatory priorities?** The identification of priorities ensures focus is placed on specific WHS risks, with prevention focus. Our proactive activities are intended to promote and enable duty holders to meet their obligations under the WHS Act.
- **How were these priorities selected?** Review and analysis of our data and evidence, with consideration to the priorities within *Comcare's Prevention Strategy* and the *Australian WHS Strategy 2023-33*.



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2023-24 Regulatory Priorities

WHS management systems

Contractor management

Silica

Body stressing

Being hit by moving objects

Psychosocial hazards



Also available on our website: www.comcare.gov.au/reg-priorities

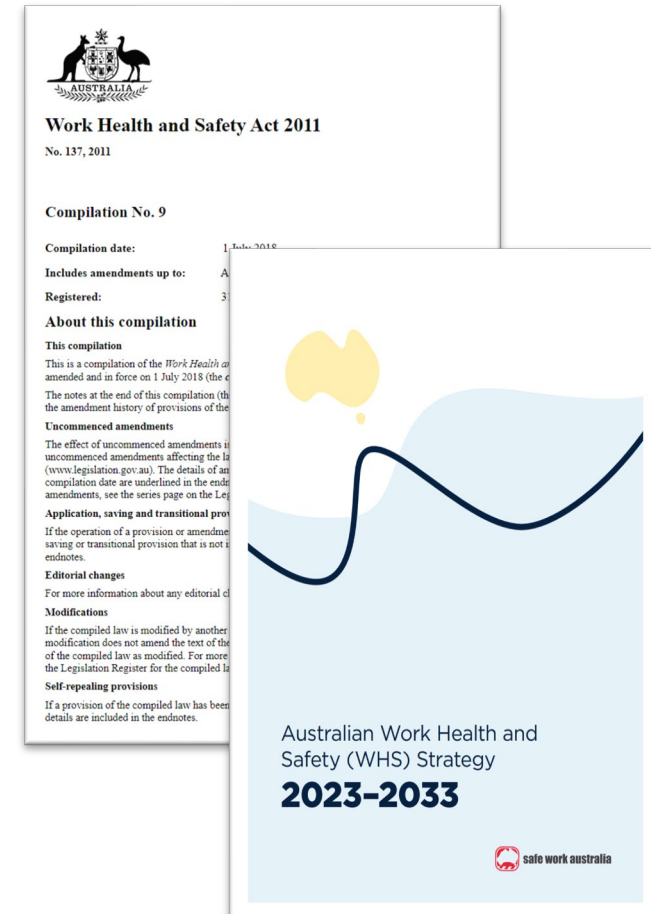


2023-24 Regulatory Priorities

WHS Management Systems

First focus: Incident management systems/arrangements

- Effective WHS management systems are key to providing a framework that delivers improved WHS performance.
- Our engagement with Person Conducting a Business Undertaking (PCBU) can have a positive impact on the health and safety of workers,
 - By ensuring PCBU's invest in continuous improvements
 - And comply with their obligations under the WHS Act 2011





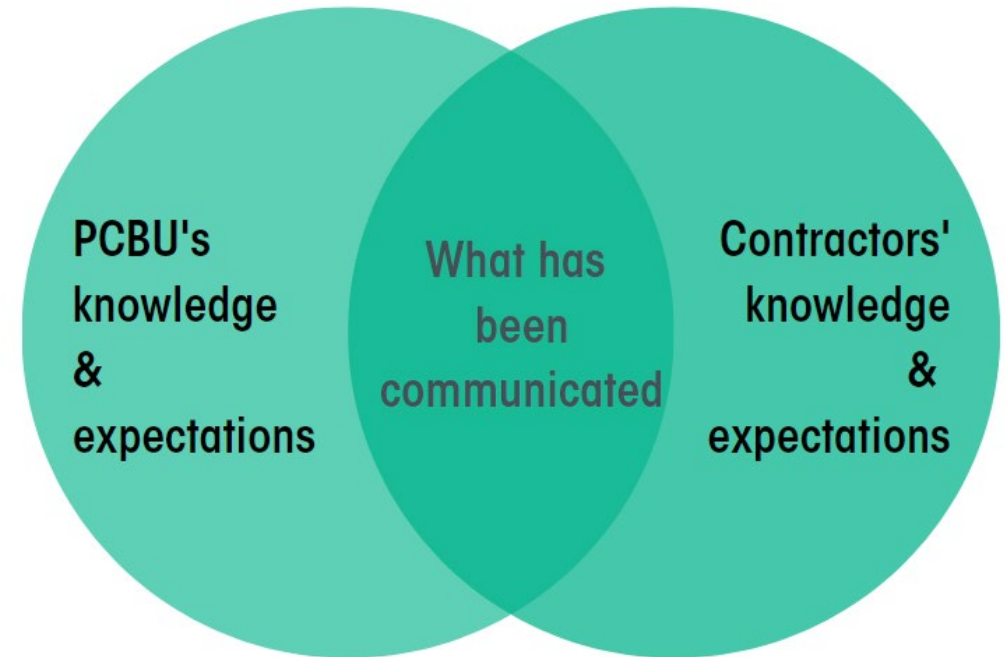
Contractor Management

..Is complex and often involves more than one duty holder and a co-regulated workplace

- PCBU's must consider the needs of all workers, including contractors, when designing WHS systems of work.

Comcare Focus:

- WHS duties in contractual chain
- Increasing complexity
- Effective implementation and monitoring of contractor management practices





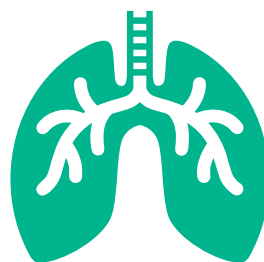
2023-24 Regulatory Priorities

Silica

A naturally occurring mineral that can be found in rocks, soils, and sand.

Risks of airborne crystalline silica:

- Harmful airborne particles can be inhaled and lodged into the lungs; causing illness or disease, including silicosis.
- Can be found in various building products.



Comcare's focus:

- Raise awareness of the exposure risks.
- Communicate duties and standards, and control measures to eliminate or minimise the risk.



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2023-24 Regulatory Priorities

Body Stressing



42% of Comcare claims relate to body stressing

What is body stressing?

- It is associated with repetitive and strenuous work and,
- Commonly leads to musculoskeletal disorders
- This may also have negative psychosocial impacts

Comcare's focus:

- Raise awareness with relevant PCBU's of the risks
- The Major Infrastructure Projects team will work with PCBU's to ensure there is a
 - A clear understanding of duties and exposure and,
 - To assist in implementing control measures



2023-24 Regulatory Priorities

Being hit by moving objects

Contributes to a high number of notifiable incidents, including fatalities

Some types of occurrence classification system:

- trapped by moving machinery or equipment,
- trapped between stationary and moving objects, and
- exposure to mechanical vibrations.

Comcare focus:

- Direct engagement with the transport and logistics industry on;
 - The interaction between people and plant
 - Effective traffic management plans





2023-24 Regulatory Priorities

Psychosocial hazards

Aspects of work which have the potential to cause psychological or physical harm

Comcare focus:

- The Psychosocial Regulation Team will provide a specialist focus on proactive regulation and harm prevention
- Through targeted intelligence-driven stakeholder engagement, education and inspection programs
- The Team will work with the jurisdiction to:

Assess and facilitate
compliance with
legislation

Engage with stakeholders
to identify and review the
hazards

Work with other
Commonwealth and
state/territory WHS
regulators to inform
consistent approaches



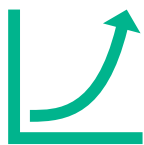
Psychosocial hazards

Psychosocial Proactive Inspection Program

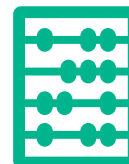
Purpose: to regulate psychosocial hazard and risk management in the Commonwealth WHS jurisdiction



Understand the level of compliance across the jurisdiction with management of psychosocial hazards and risks



Improve compliance through the provision of advice that prepared PCBU's for the implementation of legislative amendments



Develop an evidence base to inform priority areas for improvement, training and resources across the jurisdiction



Support and build capability of our inspectorate to regulate psychosocial risks



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2023-24 Regulatory Priorities

Psychosocial hazards

Psychosocial program overview and key themes



Key themes:

- Consultation arrangement
- Culture and identity
- Economic factors
- Job demands
- Procedural fairness and training
- Exposure to trauma
- Organisational Change

Comcare focus:

- Take the themes and prioritise guidance materials to support PCBU's
- Rolling the program out to further PCBU's



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Summary: 2023-24 Regulatory Priorities

Resources

- Regulatory priorities website: <https://www.comcare.gov.au/reg-priorities>
- Workplace Health and Safety Act 2011
- Australian Work Health and Safety Strategy 2023-2033
- Comcare Prevention Strategy 2022-2025

Upcoming events

- Safe Work Month (October)
- Psychosocial Forum: 10 Oct 2023





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Incident management systems/arrangements

What is Comcare doing?

Why is Comcare doing it?

What can you expect?

What can/should you do?



Also available on our website: <https://www.comcare.gov.au/reg-priorities>



Incident management systems/arrangements

What is Comcare doing?

Comcare's Proactive Program		
1 st Pillar	2 nd Pillar	3 rd Pillar
Fundamental WHS systems	PCBU and broader jurisdiction's abilities to adapt with WHS changes	Target harm reduction analysis

By the end of the Program:

We aim for all PCBUs to have systems or arrangements in place that will enable them to meet their duties and obligations under the WHS Act



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Incident Management Systems/Arrangements

Why is Comcare doing it?



Compliance = Safety

Comcare's proactive approach seeks to prevent harm, in opposed to respond to it.



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Incident management systems/arrangements

Why is Comcare doing it?

- Regulatory oversight is the foundation upon which effective regulation rests, and requires regular interaction with PCBU's.
- Comcare has identified those components that deliver the greatest impact on safety outcomes.
- Comcare prioritised incident management systems because of the critical importance to both the regulator and regulated entities.





Incident management systems/arrangements

What can you expect?

Process

Comcare will be engaging at a central WHS level
within your organisational structure.



Phone call

- Seek Point of Contact
- Initial call to coordinate interaction



Information gathering

- Collection of policies and procedures
- Technical inspections



Site visit

- Data review
- System application
- Interview engagement



Inspector report

- Outcomes and actions
- Verification inspection (where required)



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Incident management systems/arrangements

What can you expect?

Approach

- **The aim** is to ensure systems/arrangements are in place and to share better practice.
- Minimum use of enforcement powers, subject to the interaction.
- Cooperative approaches reduce the requirement for the use of the inspectors' enforcement powers to almost zero.
- Not 'one-size-fits-all' - What is reasonable in the circumstances?



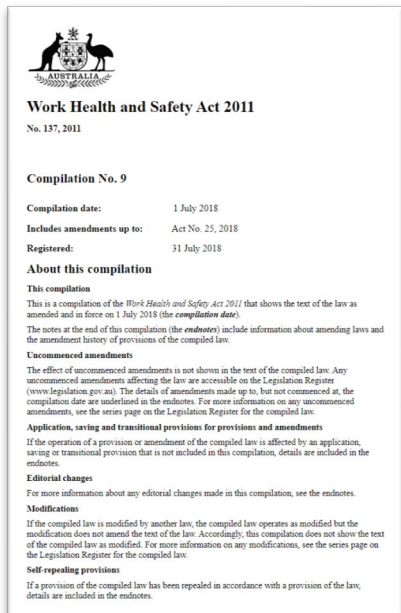


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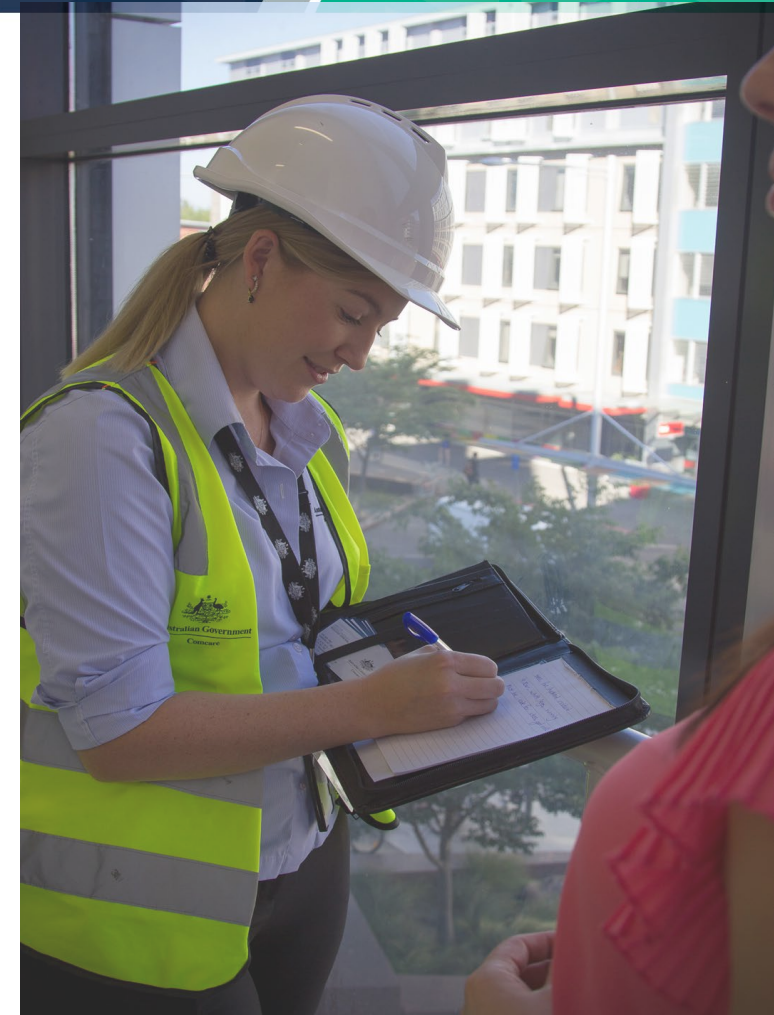
Incident management systems/arrangements

What can you expect?

Inspector assessment



- The lack of a documented processes and responsibilities increased the potential of failing to meet duties and obligations under the WHS Act.
- **Refer to:**
 - Section 19.3 (f): Primary Duty of Care
 - Section 27.5 (d): Duty of Officers



Resource: Work Health and Safety Act 2011 – Section 19.3 (f) and Section 27.5 (d)



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Incident management systems/arrangements

What can you expect?

Inspector assessment



- Actively engage with the inspector to identify a solution before the inspector finalises their report – we can acknowledge your efforts and take this into account when determining if enforcement action is warranted.
- In most circumstances, we anticipate the PCBU resolving any anomalies in a cooperative manner – minimal use of enforcement powers.
- Raise concerns with the inspector in the first instance, then through the regional office.



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Incident management systems/arrangements

What can you expect?

Expect at least a few 'opportunities for improvement'

Common issues found were:

- A lack of monitoring to ensure the 'paper system' is in use and effective.
- A lack of understanding of how all the sub-systems and arrangements support incident management.
- Where PCBU's are relying on other PCBU's policies and procedures we sometimes found a limited understanding between the parties of the WHS arrangements.



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Incident management systems/arrangements

What can you expect?

Observations that were not anticipated and cause concern:

- PCBU with systems/arrangements based on State/Territory WHS Acts.
- PCBU unaware their organisation was under Comcare jurisdiction.
- PCBU considered it had no duties to, and therefore no interest in, contractors injured within its workplace.
- PCBUs not having shared/common understanding of responsibilities within a common workplace.



Incident management systems/arrangements



What can/should you do?

Prepare for the inspection by considering:

1. Are **you** confident that you have systems/arrangements in place that permit you to meet relevant duties/obligations?
2. **And** you know they are in use and effective?

Do not stop work on higher priority WHS concerns, unless you believe it is warranted

“Does my organisation...”

- **report incidents internally** in a timely and effective manner to relevant areas – including instruction, supervision, and training to facilitate this?
- **notify Comcare in a timely and effective manner**, including for contractor incidents?
- **share a common understanding** of who reports internally, and who notifies to the regulator if you lease, or otherwise share work premises with another PCBU.
- have arrangements that ensure any **work-related claim or early intervention** is investigated?
- have arrangements to ensure **interim controls are in use and effective**, pending implementation of an enduring or systematic response?
- have **training and systems** to enable the timely/effective investigation of incidents?
- have arrangements for **consultation with workers/representatives**?



Incident management systems/arrangements

What can/should you do?

Notices	Are there arrangements for responding to Provisional Improvement Notices (PINs) or enforcement notices?
Trends	Can you analyse incidents and claims to identify and respond to trends?
Reporting	Does my organisation have internal reporting to WHS committees, technical areas, and the executive to facilitate awareness and oversight?
Response	Are there arrangements to ensure that response actions are completed, and monitored until considered effective?
Targets	Are there Targets or measures for success of the system; to ensure there are a reduced number or severity of injuries?
Review	Are there arrangements for reviewing relevant policies and procedures, and ensuring they remain current?



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Incident management systems/arrangements

Key Takeaways

Take a collaborative approach to improve health and safety in the jurisdiction

Do not stop work on your highest WHS priorities, unless it is warranted

Consider reviewing whether your system is suitably comprehensive in your organisation's context.

- All supporting subsystems are identified, and
- active monitoring occurs to ensure it is in use and effective.



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Webinar Q&A



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Feedback survey

Thank you for attending

Please take a moment to complete our short evaluation survey.



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