



Australian Government  
Comcare



# WORK HEALTH & SAFETY YEAR IN REVIEW 2019

Nationally consistent and targeted regulatory engagement





## CEO Overview

**I am pleased to introduce Comcare's inaugural Work Health and Safety (WHS) Year in Review report. This report highlights Comcare's WHS compliance and enforcement activities in 2019 to enable safe and healthy work across our jurisdiction.**

Comcare is the national work health and safety and workers' compensation authority and is responsible for the administration of the WHS Act and Regulations.

The WHS Act aims to protect workers and others against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work.

Comcare's role is to support our jurisdiction to meet its duties and obligations under law and to ensure compliance through a range of inspection and enforcement activities that may result in legal sanctions. In so doing, Comcare is working with regulated entities to prevent harm in workplaces.

We operate across a diverse national jurisdiction. We regulate the Commonwealth Government, 31 self-funded licensees and approximately 37 WHS-only entities, including some of Australia's largest corporations. WHS-only entities is defined as entities covered by the WHS Act, and are not covered by the Safety, Rehabilitation and Compensation Act 1988 (SRC Act). Collectively our regulation covers more than 230 persons conducting a business or undertaking (PCBU's) employing 414,555 Australians (at end-December 2019).

To effectively regulate these workplaces, we committed to three key delivery strategies:

1. Increase the proportion of proactive regulatory activities to increase duty holders' levels of compliance and commitment to best practice.
2. Drive national work health and safety compliance using a targeted, risk-based approach.
3. Deliver timely and effective regulatory activities by applying the compliance and enforcement framework and the Comcare engagement framework.

In the 2018-19 financial year we accomplished our regulatory engagement activity target by engaging with all WHS regulated entities in our jurisdiction.

Furthermore, in 2019 Comcare delivered a series of proactive education activities both in cities and regional locations, including 13 National WHS Forums and 10 Safe Work Month events. These were attended by more than 700 WHS professionals representing almost 60 per cent of our regulated entities. We achieved a 97 per cent satisfaction rating across attendees.

During 2019, our regional offices were involved in 452 proactive engagements with our jurisdiction to raise awareness of duties and obligations under law. We also convened two National Mental Health Community of Practice events and trialled the NewAccess service partnering with Beyond Blue.

Our targeted and risk-based approach has seen us commence work on four regulatory priority areas covering:

- the management of psychosocial risks related to organisational change,
- the importance of WHS risk management and safety systems,
- body stressing in the road transport industry, and
- WHS responsibilities when working with contractors.

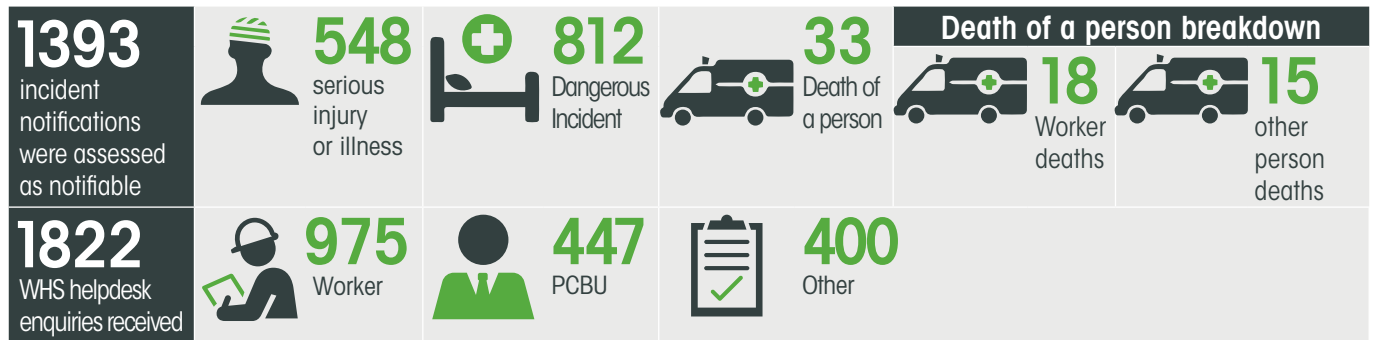
These multi-year priority areas were identified through our analysis of injury data, WHS risk profiles and stakeholder feedback and are targeted at entities where these concerns are most evident.

Comcare is focused on delivering effective regulatory interventions which result in improved WHS outcomes or improved awareness of WHS duties and obligations. During 2019, we surveyed workplaces that had been subject to some form of regulatory intervention. We were pleased to find that 86 per cent of workplaces said they had realised improved WHS outcomes as a consequence of Comcare's work. Comcare conducts verification inspections to ensure that any identified noncompliance and or corrective actions identified during an inspection have been addressed and rectified. In 2019 Comcare completed 184 verification inspections.

Comcare is now working with our regulated entities in 2020 and beyond to continually improve our regulatory effectiveness and delivery of nationally-consistent, risk-based, and targeted regulatory activities.

**Sue Weston** - Comcare CEO

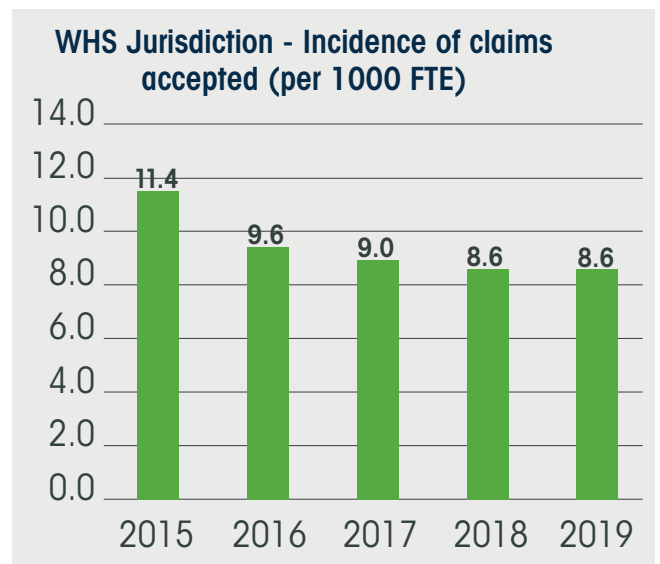
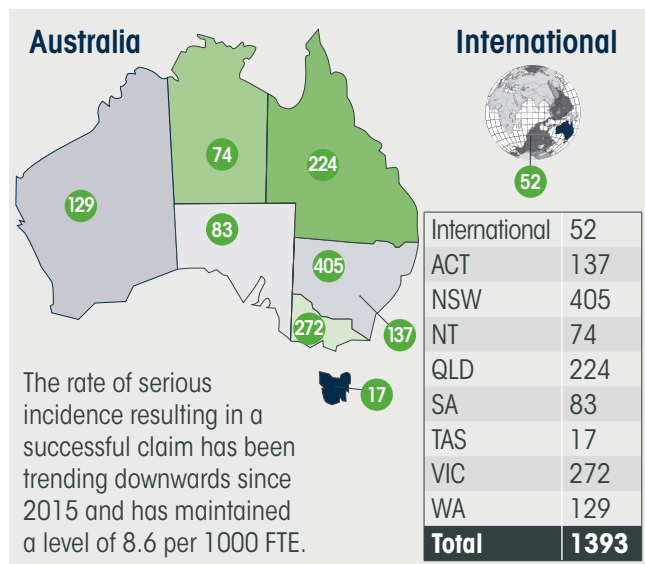
# WHS Incidents



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

Link to the Act in digital version: [https://www.comcare.gov.au/\\_\\_data/assets/pdf\\_file/0007/199492/WHS\\_029\\_05027\\_Feb19\\_v2.pdf](https://www.comcare.gov.au/__data/assets/pdf_file/0007/199492/WHS_029_05027_Feb19_v2.pdf)

## Notifiable Incidents



## Inspectorate Activities



### Monitoring and Compliance Activities

To deliver on our commitment as an Effective National Regulator, we are increasing the proportion of proactive regulatory activities to increase duty holders' levels of compliance and commitment to better practice.

	ACT	NSW	QLD	SA/NT	VIC/TAS	WA	National
<b>Proactive Engagement</b>	<b>24</b>	<b>108</b>	<b>66</b>	<b>69</b>	<b>111</b>	<b>74</b>	<b>452</b>
Proactive regulatory engagement	13*	83	58	60	97	68	379
Forums and education sessions	11	25	8	9	14	6	73
<b>Monitoring Compliance Inspections and Investigations</b>	<b>135</b>	<b>336</b>	<b>175</b>	<b>105</b>	<b>184</b>	<b>118</b>	<b>1053</b>
Inspections*	109	288	142	82	161	76	858
Verifications	21	45	33	22	21	42	184
Investigations	5	3	0	1	2	0	11

\*Excluding TASC activities

# Other Activities

In addition to our inspectorate activity, Comcare conducts specific compliance and enforcement activities across a spectrum from proactively providing information and advice, making authorisation and approval decisions and monitoring the extent of compliance in the jurisdiction, to investigating contraventions. We weigh up many factors depending on the circumstances of each case to arrive at the most appropriate response for each situation.

Proactive WHS Audits	Approvals and authorisations	Prosecutions under the WHS Act
 <b>14</b> Prevention audits (Licensee) and Prevention audits (premium payer)	 <b>5177</b> 8 Construction Induction Training Card 1 HSR/EPH Course Approvals 117 Chemical Authorisations 1714 High-Risk Work Licences 3337 Plant Authorisations.	<div>  <b>6</b>                      Commenced                 </div> <div>  <b>4</b>                      Continued                 </div> <div>  <b>1</b>                      Concluded criminal proceedings                 </div>

## Notices

<b>13</b> Improvement notices under s191	<b>2</b> Prohibition notices under s195	<b>9</b> Non-disturbance notices under s198	<b>223</b> Notices to provide information and/or documents under s155	<b>13</b> Power to require production of documents under s171
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## Telecommunication Asbestos Safety Compliance (TASC) 2019 Activity

A significant focus for Comcare’s regulatory work relates to regulating the NBN rollout and the presence of asbestos in telecommunication pits. The inspection process was streamlined in 2018 with new audit tools introduced to assess compliance.

2019 TASC Programme activities	1979
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The effectiveness of this programme has been evidenced by generally high levels of compliance and improved contractor supervision, remediation and training in 2019.

Contractor audits <b>502</b> 42% were first-time audits with new contractors.	Target <b>250</b> inspections per inspector.	Achieved <b>132%</b> of target.
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# Education and Engagement

## Scheduled education

### Delivered



We provide specialised courses on a range of topics aligned to the: Work Health and Safety Act 2011 (Cth).



**1026** attendees

## Proactive engagement

### Safe Work Month



**1** Leadership Event.



**9** Safe Work Month Engagement Events.



**283** Individuals attended.

- Over **75%** were likely or highly likely to use the videos.
- Over **70%** were likely or highly likely to use the posters.

### National Work Health and Safety Forums



**13** Forums



**431** Individuals attended

- **98%** of event attendees agreed or strongly agreed that the content was very good and well delivered.

**"Very interesting and professionally run forum – the presenters were all excellent which made the day worthwhile and engaging."**

### Mental Health Community of Practice



**2** Events



**258** Individuals attended

- Increased awareness of the impacts of mental health issues in the workplace and mechanisms for supporting colleagues.

### Beyond Blue NewAccess Pilot



Comcare trialed the NewAccess mental health coaching service which provided trial participants with low intensity cognitive behaviour therapy (LiCBT) with a strong focus on prevention and early intervention.

**6** Months

**50** Employees

**2** APS Agencies



**78%**  
recovery rate

### Comcare's annual WHS evaluation




**86%** employers had reported improved WHS outcomes.



# A targeted risk-based approach to planning proactive

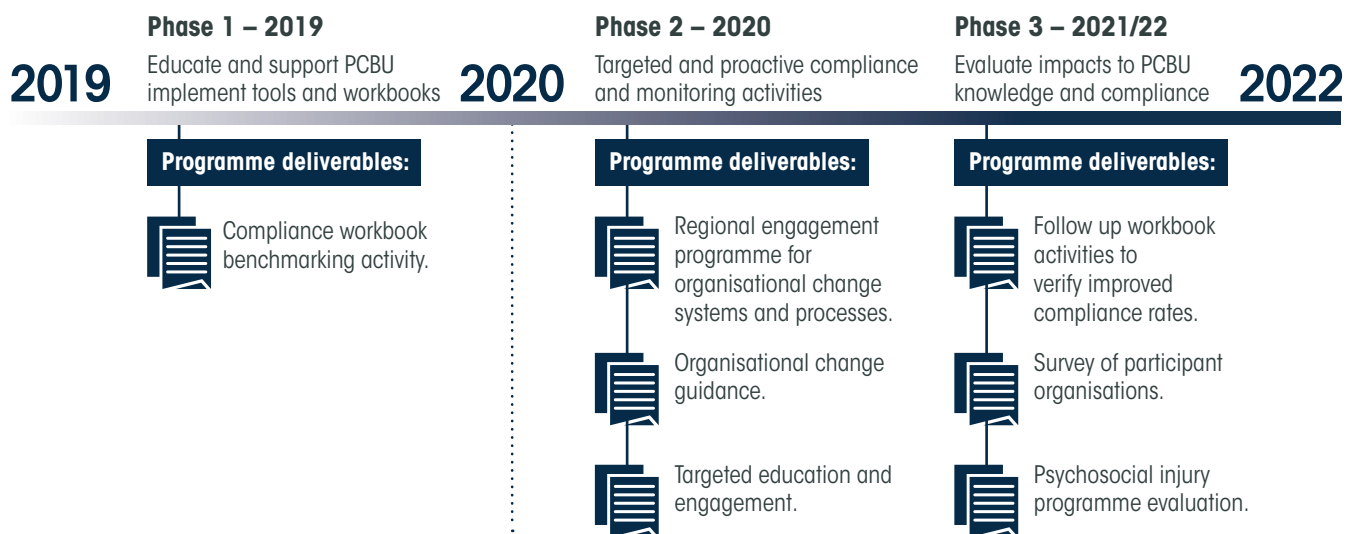
## Regulatory Priorities and work activity programmes 2019-2022


Comcare has identified four risk-based regulatory priorities and has developed regulatory work activity programmes that are designed to support duty holders' compliance and commitment to minimise or eliminate the risks associated with the four priority areas.



**Psychosocial injury associated with organisational change**

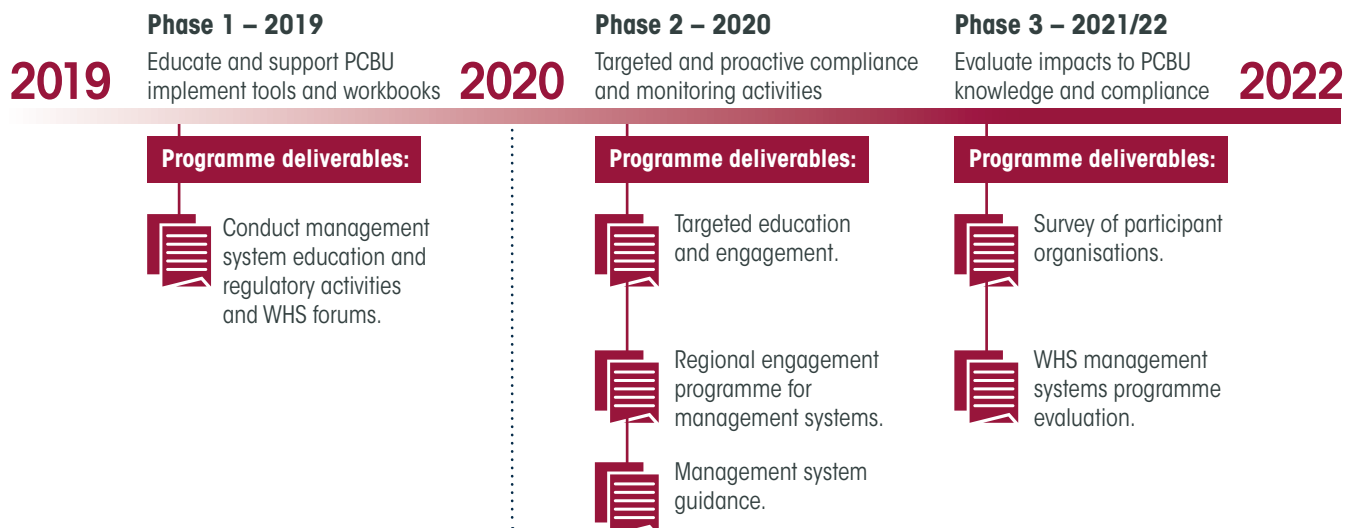
Psychological injury prevention is a key focus and priority for all WHS regulators. There is significant work underway nationally to provide support and guidance to PCBUs in relation to preventing psychological injury and *SafeWork Australia's Australian Work Health and Safety Strategy 2012-2022* lists mental health conditions as a priority condition. Comcare's WHS jurisdiction is uniquely impacted by organisational change associated with machinery of government changes and there has been significant research and evidence identifying the psychosocial impacts of poorly managed organisational change. Comcare is seeking to ensure PCBUs adequately consider and manage the risks associated with implementing change.





**WHS Management Systems**

Management systems was chosen as a priority based on contemporary research and evidence that well implemented management systems provide a framework which delivers improved WHS performance. Encouraging PCBU to invest in WHS management systems will have a large-scale positive impact on the health and safety of workers within Comcare's WHS jurisdiction.

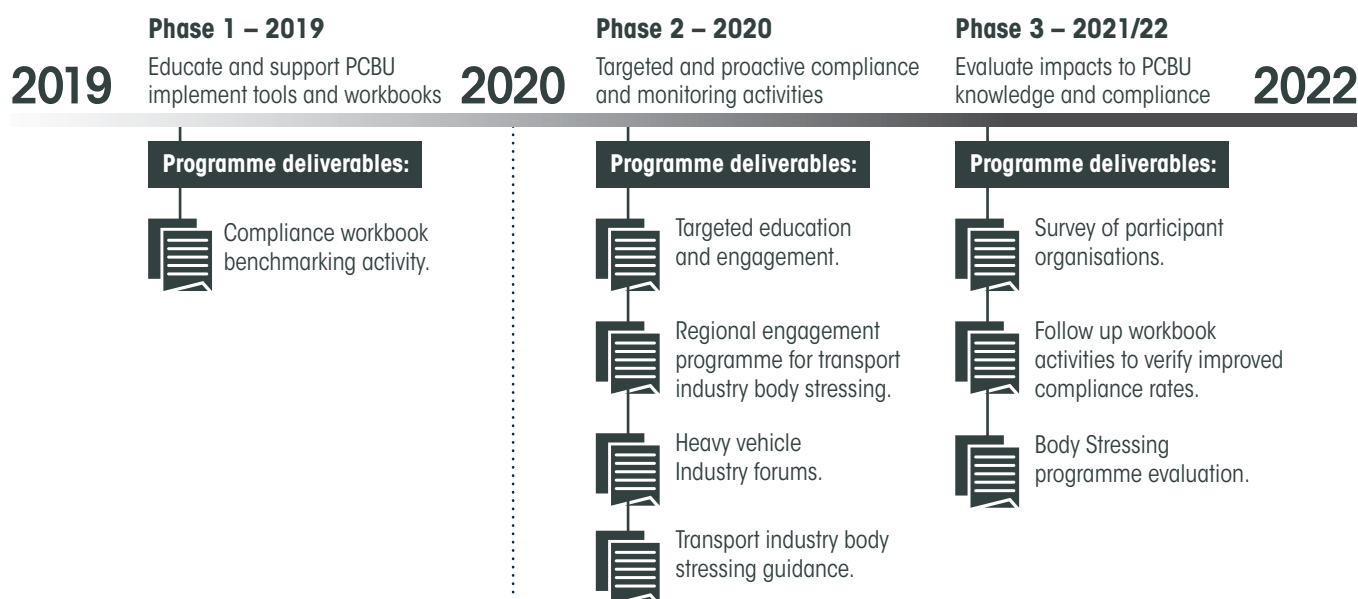


# regulatory engagement



## Transport Industry Body Stressing

Body stressing injuries are the leading cause of claims in Comcare's WHS jurisdiction. In particular, 50% of all accepted claims for injuries incurred in the transport industry between 2015-16 and 2018-19 related to body stressing. Information from PCBU's and Comcare's Inspectorate indicate that high levels of body stressing claims in the transport industry may be due to a number of issues, including an ageing workforce and general poor health of drivers. We aim to understand the causes of body stressing in the transport industry in our jurisdiction and act to minimise these risks in consultation with PCBU's.



## WHS Contractor Management

This was chosen as Comcare's WHS incident data shows an increasing proportion of notifications involve contractors. It is Comcare's experience that some PCBU's are not fully aware of their WHS obligations when procuring and engaging contractors. We will develop a set of principles that set out the minimum requirements of the legislation and advise the jurisdiction of our expectations.





## Contact us

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

### WHS Helpdesk:



WHS.Help@comcare.gov.au



1 300 366 979



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