

Work Health and Safety 2011/12



Meeting our core responsibilities



In 2009/2010:

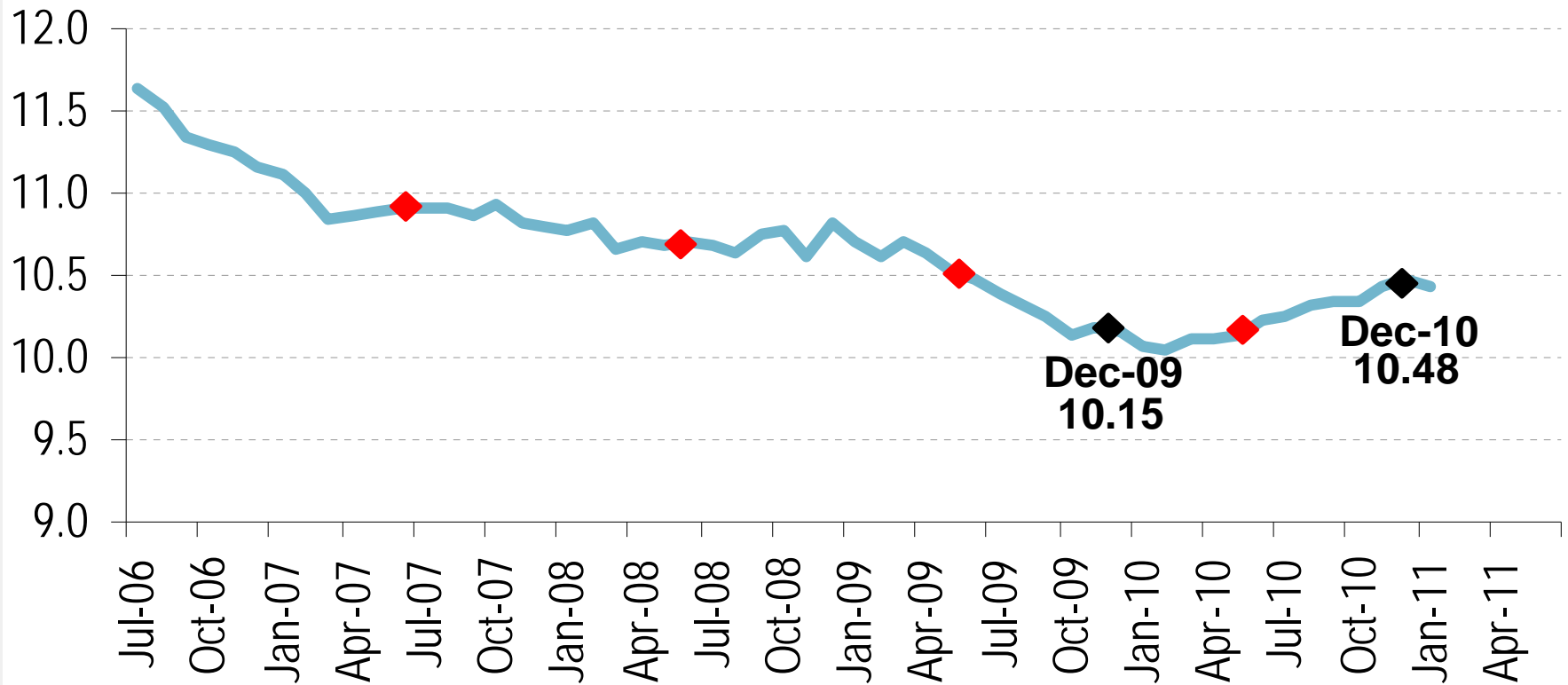
- 59,661 OHS calls to Advisory
- > 40,000 inspector visits
- 28,973 notices & VCs issued
- 299 investigations
- 149 prosecutions
- \$7.7 million penalties imposed
- 1,734 internal reviews
- 70,449 licences issued



The safety challenge



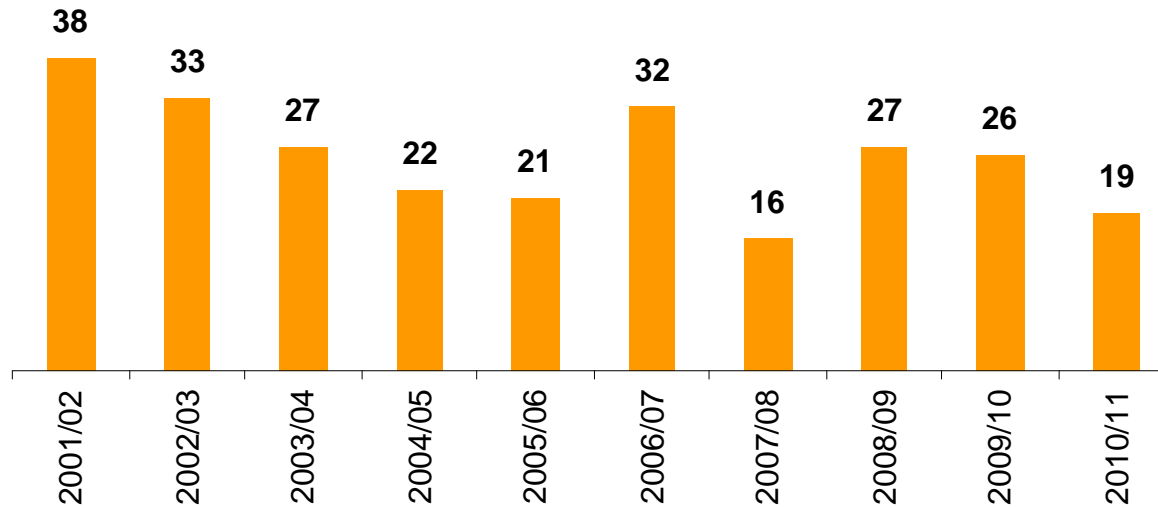
Injury Claims per 1000 workers



Health and Safety in Victoria

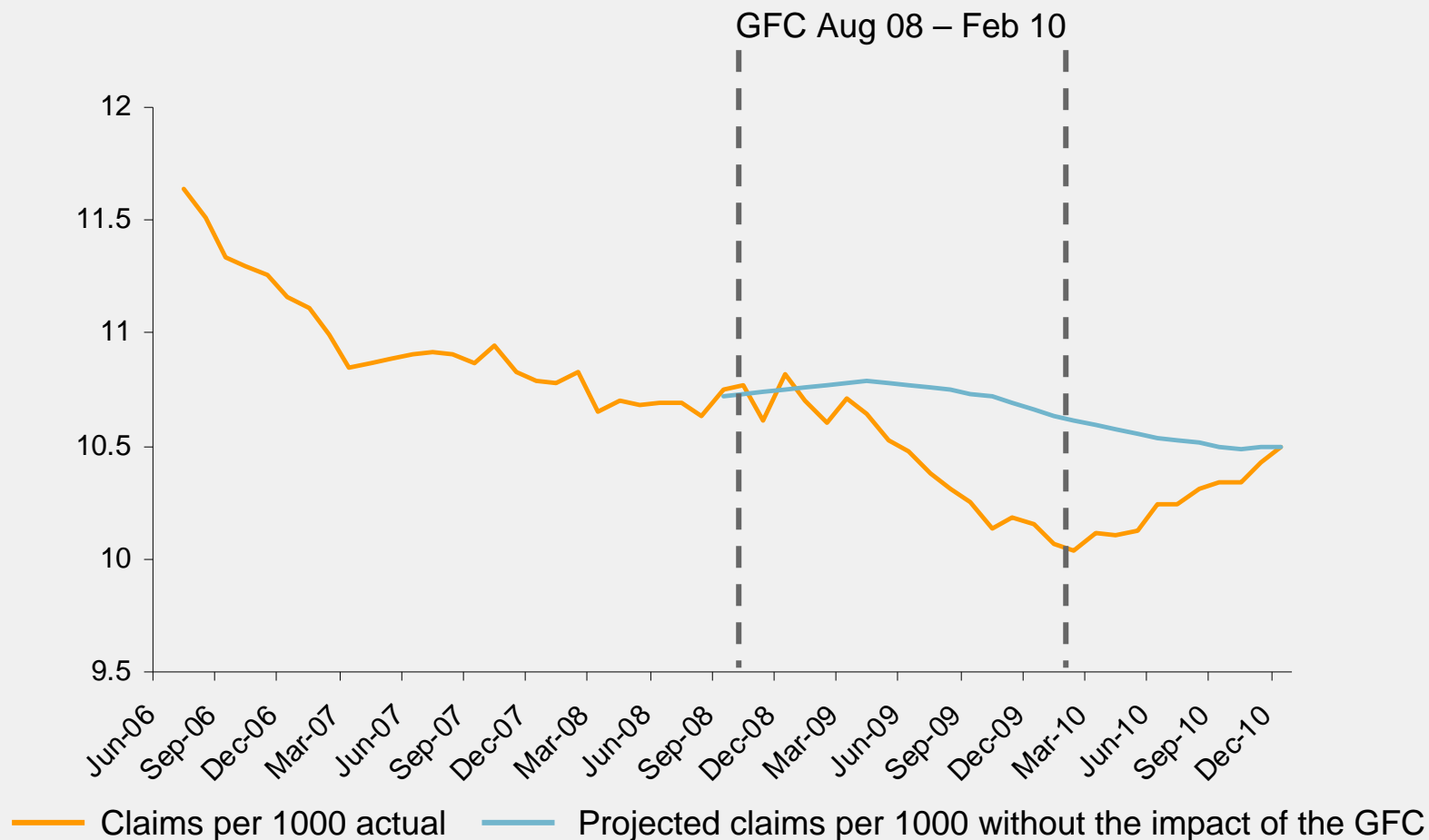


Fatalities by Financial Year





Claims decreased during the GFC, then bounced back to projected levels



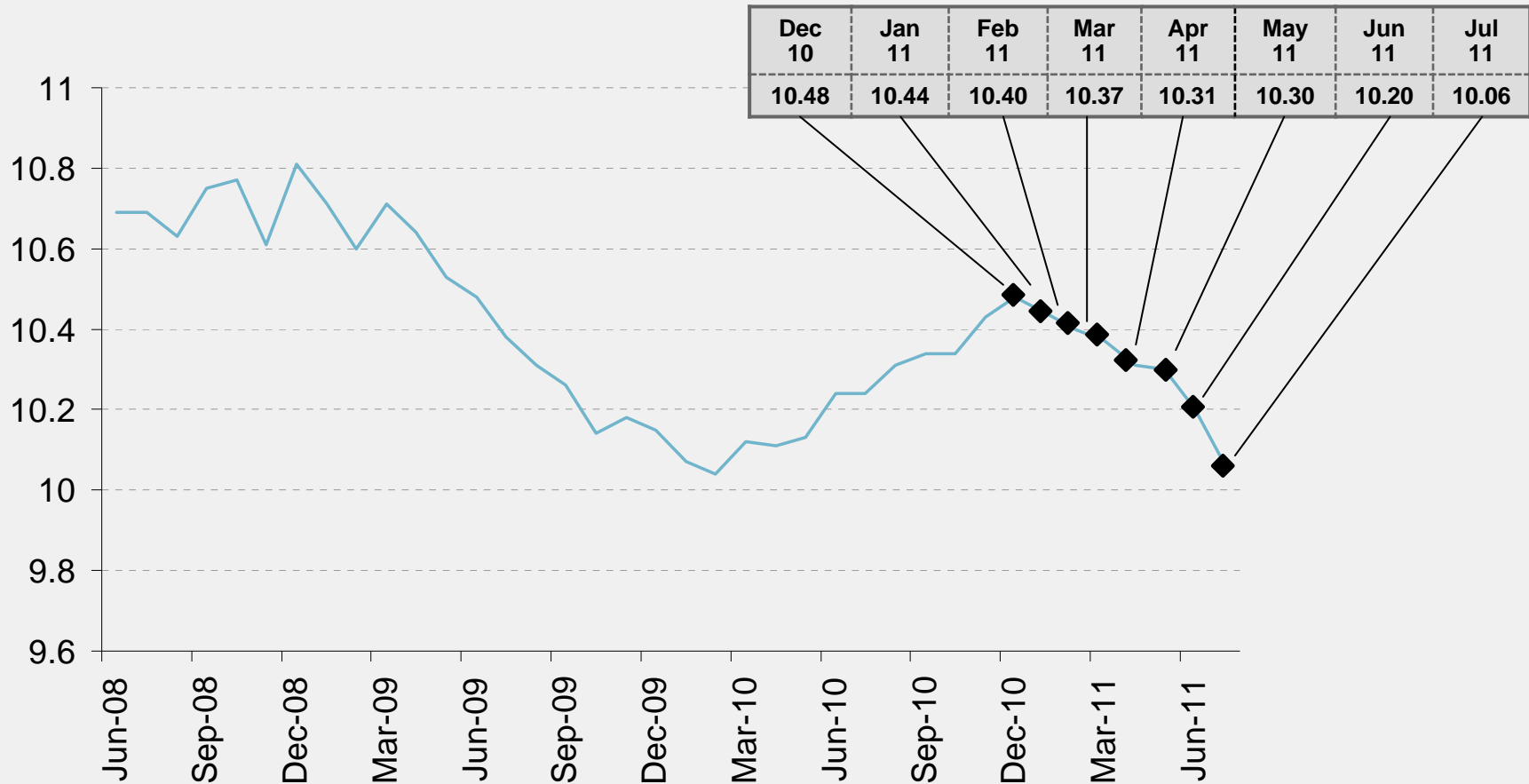
Muscle and bone injuries



The safety challenge



Claims per 1000 workers



National Reform



- Providing consistent protection for all workers
- Reducing the regulatory burden for cross border employers
- Improving work health and safety outcomes

Model Work Health & Safety Bill

PCBUs



The primary duty holder is the
'PCBU'

- A Person Conducting a Business or Undertaking must ensure, so far as it is reasonably practicable, the health and safety of workers.
- PCBU's can include principal contractors, head contractors, franchisors, the Crown and self employed persons.

Interpretive Guidelines and **factsheets** will assist in understanding the role of PCBUs.

Model Work Health & Safety Bill

Workers



**Duties will be owed to 'workers'
(volunteers will also be workers)**

- Worker is defined as someone who 'carries out work in any capacity for a PCBU'.
- This includes volunteers, labour hire, contractors and sub-contractors, apprentices and trainees.

Factsheets will assist in understanding who is a worker.

Model Work Health & Safety Bill

Officers and Due Diligence

There is a positive duty on an 'officer' to exercise 'due diligence'

- An officer of the PCBU must exercise due diligence to ensure that the PCBU complies with its duties or obligations.

Due diligence includes taking reasonable steps to acquire and keep up-to-date knowledge of work health and safety matters.

Model Work Health & Safety Bill

Penalties



Penalties will be consistent in all jurisdictions, and are based on the degree of culpability and risk of harm

	Corporation	Individual as PCBU or officer	Individual (e.g. worker)
Category 1	\$3 million	\$600,000 5 years jail	\$300,000 5 years jail
Category 2	\$1.5 million	\$300,000	\$150,000
Category 3	\$500,000	\$100,000	\$50,000

Consultation and Representation



Comprehensive duties to consult (including with other duty holders).

Health and Safety Representatives (HSRs)

- Similar rights and responsibilities to current legislation.
- Could only exercise right to cease work and issue Provisional Improvement Notices if approved training has been undertaken.

Entry Permit Holders (EPH)

- Replace ARREOs
- Similar rights and responsibilities
- Expanded power to consult and advise workers.



What WorkSafe is doing



- Planning for updating website and publications
- Training Inspectors, Investigators and other staff
- Participating in Safe Work Australia processes
- Continuing to engage stakeholders
- Work Safe Week
- Planning a state-wide public information campaign





Work

Safe

VICTORIA