

COMMUNIQUÉ

Meeting of Work Health and Safety Ministers

20 May 2021

1. Australian Ministers responsible for work health and safety (WHS) convened today to discuss a range of important issues impacting the work health and safety of Australians.
2. Positive and constructive discussions were held, with Ministers agreeing to a significant number of measures to improve WHS outcomes across the country.
3. The meeting was chaired by Senator the Hon Michaelia Cash, Commonwealth Attorney-General and Minister for Industrial Relations.

Review of the model Work Health and Safety (WHS) laws

4. The COVID-19 pandemic has highlighted the importance of Australia's model WHS laws, and the need to ensure they remain fit-for-purpose (noting that Victoria does not have harmonised WHS laws).
5. Ministers considered the recommendations from the review of the model WHS laws undertaken by Marie Boland and are pleased to confirm that agreement was reached for action on all of the 34 recommendations. In particular:

Ministers agreed that more must be done to prevent workplace deaths and serious injuries.

While the Northern Territory, Queensland, Western Australia, the Australian Capital Territory and Victoria provided their support for an industrial manslaughter offence, the recommendation did not receive the required majority.

Ministers unanimously agreed to introduce gross negligence or equivalent as a fault element in the Category 1 offence in the model WHS Act. Ministers unanimously agreed that conduct involving gross negligence should attract more severe penalties under the model WHS laws, and will be a step towards improving prosecution rates for Category 1 offences. Ministers noted that this is in keeping with the risk-based approach of WHS laws. Ministers also agreed to further consider significant increases to penalties under the model WHS laws.

As part of their discussion in relation to workplace fatalities Ministers endorsed the National Principles to Support Families Following an Industrial Death, noting that significant work has been undertaken in this area by some jurisdictions.

A majority of Ministers agreed to amend the model WHS Regulations to deal with psychological injury. It was noted that a number of jurisdictions are already taking action and finalising Codes of Practice or Regulations relating to psychological health which would provide guidance to employers about complying with their duties under WHS laws and better protect workers from risks of psychological harm.

Rider safety in the gig economy

6. Ministers noted that Safe Work Australia is developing national work health and safety guidance for the food delivery industry and agreed to refer work on promoting and strengthening education to Safe Work Australia, and refer work on compliance and enforcement initiatives in relation to food delivery platforms and riders to the Heads of Workplace Safety Authorities for consideration.

Sexual harassment in the workplace

7. Ministers noted the Commonwealth Government's response to the Australian Human Rights Commission's report, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces (Respect@Work report)*. Ministers gave an update on their current or planned work and initiatives directed at addressing sexual harassment in their respective jurisdictions, noting that states and territories are due to formally respond to the Commonwealth by the end of June 2021. Ministers noted that all Australian governments, as well as the private sector, have a role to play in responding to the Respect@Work report.

Next steps

8. Ministers agreed to reconvene before the end of the year in order to receive progress reports from each jurisdiction and Safe Work Australia on the implementation of the agreed recommendations.