

WORK HEALTH AND SAFETY JURISDICTIONAL UPDATE - VICTORIA

1. New initiatives/projects

Healthcare - Using systems thinking to uncover the factors driving manual handling and mental injury in Victoria's public hospitals

- Health Care and Social Assistance remains a priority industry for WorkSafe Victoria. Claims per million hours worked in Q840 Hospitals have sustained a 27% difference to overall scheme performance with the most common claims relating to hazardous manual handling and mental injury. Public hospitals form an integral component of Victoria's complex and dynamic healthcare system. By taking a systems thinking approach we can work collaboratively with those from all levels of the system to identify the factors driving manual handling and mental injury and determine prevention interventions that address them.
- Victoria will run a Systems Thinking Analysis and Recommendations (STAR) project. The STAR approach aims to address a complex OHS problem in a group or sector using systems human factors methods grounded in safety science. The outputs of this analysis will include factors that contribute to causation of the harm(s) in focus and interventions that may reduce or eliminate those harms.
- The duration of this project (including planning) is January 2022 – March 2023.

At Risk Workers/CALD

- Victoria is delivering a number of initiatives aimed at improving health and safety outcomes for at-risk worker cohorts. This includes targeting young workers through the development of a high school occupational health and safety (OHS) program and media campaigns.
- Our OHS program, WorkSafe 101 – for high schools is scheduled to be rolled out to teachers on November 28th following a successful pilot in Term 1 and 2, 2022. WorkSafe 101 – for high schools will be made available to all Victorian high schools from the start of the 2023 academic year. The program introduces High School students to WorkSafe as the Occupational Health and Safety regulator and covers:
 - Rights and responsibilities of workers and employers
 - What is a hazard
 - The importance of speaking up.
- Five, new 30-second animated videos have been created to support the learning modules
- The program is designed to support teachers and career advisors with a session plan and classroom activities to engage students and explore their understandings of what workplace safety means.
- A new young workers social media campaign 'Feeling a little UMM...' was run in February 2022 and will re-run November to December with the aim to help young workers identify unsafe working conditions, empowering them to understand their rights at work and speak up when something feels unsafe. The hero of the campaign is 'UMM', a character who represents the feeling of unease many young workers can

experience within the workplace. The campaign creative sees UMM in a range of situations that young workers may have experienced themselves. The campaign is a contrast to WorkSafe's 'Unsafe is always unacceptable' campaign which had a fourth burst from March to June 2022 and has proven to have the greatest impact with employer groups. Further information on the young workers UMM... campaign is available on the WorkSafe Victoria website.

- The *Occupational Health and Safety and Other Legislation Amendment Act 2021* included amendments that impact on the Labour Hire industry with the introduction of a new duty for labour hire providers and host employers in relation to consultation with their labour hire workers. Updates regarding these legislative changes have been planned to continue in the agricultural sector to support industry understanding, with a focus on following the harvest season and employers who host labour hire staff for short seasonal periods.
- WorkSafe has developed introductory presentations to facilitate community-based information sessions that address worker rights and responsibility and introduce the importance of mentally healthy workplaces. These sessions were designed to meet the needs of culturally diverse students at Melbourne Polytechnic and have been developed with a culturally sensitive and age-appropriate design. Feedback from the sessions validated the importance of this communication approach and the presentations are now available for WorkSafe staff to use when connecting with the Victorian community through schools and community groups.

2. Legislative/regulatory change or review

Commencement of Silica regulations

- In November 2021, the Occupational Health and Safety Regulations 2017 (OHS Regulations) were amended to better protect workers from exposure to crystalline silica.
- The amendments under *Part 4.5 – Crystalline silica* of the OHS Regulations commenced in three different phases to ensure duty holders were provided with enough time to prepare for the relevant changes.
- The third and final phase of these amendments commenced on 15 November 2022. This phase completes the transitional period for the introduction of the new engineered stone licence scheme.
- From 15 November 2022, the following changes have come into effect:
 - employers or self-employed persons undertaking an engineered stone process at the workplace for which they are responsible must hold an engineered stone licence.; and
 - suppliers cannot supply engineered stone to businesses who require a licence but do not have one.
- The Managing exposure to crystalline silica: Engineered stone – edition two compliance code also became operational on 15 November 2022.

New Dangerous Goods (Storage and Handling) Regulations 2022

- The new Dangerous Goods (Storage and Handling) Regulations 2022 (Storage and Handling Regulations) commenced 26 November 2022.
- The Storage and Handling Regulations, made under the *Dangerous Goods Act 1985* (DG Act), set out the legal duties for manufacturers and suppliers of dangerous goods or suspected dangerous goods, and for occupiers of premises where dangerous goods are stored or handled. They help ensure the health and safety of

people, property and the environment in the manufacture, storage, transfer, use, handling, sale and disposal of dangerous goods.

- The Storage and Handling Regulations replaced the Dangerous Goods (Storage and Handling) Regulations 2012 (existing Regulations), which expired on 27 November 2022.

Government Response to the Independent Review of the Dangerous Goods Act and associated regulations

- The Victorian Government's Response to the Independent Review was released on 8 October 2022. The Independent Review was commissioned in April 2020 by the then Minister for Workplace Safety, the Hon. Jill Hennessy MP, who appointed Andrew Palmer KC to conduct a comprehensive review of Victoria's dangerous goods laws. The Response supports in full 22 recommendations, supports in principle 15 recommendations, states that 11 recommendations require further consideration and notes 1 recommendation.

Proposed Occupational Health and Safety Amendment (Plant and Illness Notification) Regulations

- The *Workplace Safety Legislation and Other Matters Amendment Act 2022* (Vic) amended section 37 of the OHS Act to require notification of:
 - incidents involving the collapse, overturning, failure or malfunction of or damage to plant, if the incident creates a serious risk to a person's health or safety and the plant is prescribed in regulations
 - illnesses prescribed in regulations.
- WorkSafe Victoria has recently consulted external stakeholders and the next step is to provide recommendations to the Government on which types of plant and illness, if any, should be prescribed.

Psychological Health Regulations

- The Victorian Government and WorkSafe are currently considering stakeholder feedback. Progress on the proposed regulations will continue in 2023.
- WorkSafe will also continue to work with the Victorian Government to develop the proposed Psychological health compliance code, supporting guidance and practical tools concurrently with the proposed regulations.
- Upon making, a range of implementation and communication activities will be undertaken to support employers, employee and employer groups, other key stakeholders and the Victorian community to be aware of the changes, what they mean and how to apply them to their working environments.

Occupational Health and Safety and Other Legislation Amendment Act 2021

- The *Occupational Health and Safety and Other Legislation Amendment Act 2021* was passed by the Victoria Parliament in September 2021 and made a number of changes to workplace safety legislation. One of the changes was the introduction of a prohibition against certain types of insurance and indemnities.
- On 22 September 2022, the OHS Act, DG Act and *Equipment (Public Safety) Act 1994* were amended to make it an offence to enter into, offer to enter into or be a party to a contract or other arrangement which provides insurance or indemnity for

paying monetary penalties under those Act, without a reasonable excuse. It is also an offence to pay or receive a benefit under such arrangements.

3. Silicosis update

- High Risk Crystalline Silica work regulations came into effect on 15 May 2022. These regulations include duties for all workplaces where silica processes occur and include a supply chain regulation requiring silica content in material to be identified at point of sale.
- High risk crystalline silica duties are relevant for all industries who undertake crystalline silica processes. The new regulations require duty holders to identify if they are undertaking high risk crystalline silica work and develop a high-risk crystalline silica control statement to document items including the required controls to minimise exposure to employees. There are also extra duties to inform applicants of high-risk crystalline silica work of the risks and the required controls and once employed there are specific training, information and instruction requirements.
- Guidance documents have been developed to support the new crystalline silica regulations and further support is being developed for duty holders and employees to understand the new crystalline silica regulatory requirements in particular for the construction industry. In addition to this since May 2022 when the high-risk crystalline silica regulations came into effect nearly 150 construction duty holders have had discussions around silica through compliance activities.

Licensing

- As of 15 November 2022, the new engineered stone processing license is enforced, which coincides with the publication of the revised Engineered Stone Compliance Code. WorkSafe Victoria has received:
 - 364 applications for an engineered stone license from an anticipated 440 (approx.) stonemason workplaces
 - 90 licenses have been granted
 - 12 have been refused (for administrative reasons)
 - the remainder are currently being assessed
- Stone masons who have not applied for a license by 15 November 2022 will be prohibited by the regulation from receiving engineered stone supplies.
- A new requirement for engineered stone licence holders is that they must provide all of their health monitoring and air monitoring reports to WorkSafe Victoria within 30 days of receiving these. Processes to capture, triage, store and allow for oversight of the industry have been developed to support this regulatory requirement.

Engagement

- Throughout 2022, WorkSafe Victoria targeted stonemason employers and duty holders through email and direct mail to inform them of licence requirements. A social media awareness campaign has also targeted the industry. The communication material being produced is designed to be suitable for the CALD community.
- A collaboration between the Silica Field Team and the OHS Essentials program is providing free and independent consultancy support to employers who need assistance with the application process. This service is being actively promoted to relevant employers by the Silica Field Team.
- WorkSafe Victoria's Industry Liaison Officers are also calling stonemason businesses to encourage license applications.

Silicosis claims

- In the 2021-22 financial year, a total of 68 silicosis claims were accepted (down from 103 in the previous year), much of this is due to the extensive focus on health monitoring in the previous year.
- Guidance has been released to support duty holders in complying with these new regulations. An animation is being developed to further support duty holders and a webinar was held in health and safety month around the new crystalline silica regulations.
- WorkSafe Victoria has partnered with The Alfred to open Australia's only dedicated, public hospital occupational respiratory clinic. This allows workers in the stonemason industry to continue to have free access to occupational health assessments of the highest possible standard.
- The Alfred Occupational Respiratory Clinic opened for registrations on 19 July 2021 and offers a centralised, comprehensive and multidisciplinary approach to diagnosis and management of occupational respiratory diseases, including silicosis. Importantly, workers leave the clinic after the assessment with their health outcome and a management plan, taking away much of the stress associated with waiting for a diagnosis.

4. Implementation of the recommendations from the 2018 Review of the model Work Health and Safety laws

N/A

5. Evidence: research and data

Health and Safety for Healthcare workers in Victoria

- WorkSafe Victoria has been investing substantial effort into addressing critical matters such as occupational violence and aggression (OVA) experienced by healthcare workers, yet there are multiple, related problems that require a strong evidence base for guidance and policy development. The COVID-19 pandemic has caused profound changes for healthcare workers. In addition, critical issues that were prevalent before the pandemic, such as OVA, sexual harassment and gendered violence, appear to have increased. We have engaged with ISCRR in a research project to be conducted with members of the Australian Nursing and Midwifery Federation (ANMF-VIC), Victorian Health Professionals Association (VAHPA) and Health and Community Services Union (HACSU-Vic).
- The research will provide critically needed and unique insights into the current health and safety of nurses and midwives and other healthcare workers to guide decision making and actionable responses. To provide foundational evidence of the prevalence and specific nature of health and safety problems, we will conduct a surveys and qualitative interviews with healthcare workers. Expected completion is mid-2023.

Preventing and managing Occupational Violence and Aggression (OVA) in Acute and Homebased Health Services Research

- **Need:** Occupational Violence and Aggression (OVA) is a key hazard influencing mental and physical injury claims in Health Services in Victoria. There is little published evidence on the effectiveness of different interventions, risk controls or prevention frameworks (Morphet et al., 2018), and limited transfer of knowledge on interventions between Health Services in Victoria or across Australia.
- **Aim:** The aim of this research is to identify and evaluate interventions, risk controls and frameworks to prevent and manage OVA that have been

implemented in acute health services, including services provided in people's homes (home based care). The research scope will include base care Australian health services and explore barriers and facilitators to implementation.

- **Objectives:**
 - To identify organisational policies, risk controls and other interventions that have been implemented to prevent or reduce OVA and explore how they have been evaluated and their effectiveness.
 - To understand how different health services' approach and manage OVA across their health service and how they tailor OVA management to different settings. (e.g different interventions in emergency towards or home care settings)
 - To understand what barriers and facilitators affect implementation of interventions and risk controls.
 - To understand how the worker safety outcomes are being used and evaluated.
- **Timing:** We anticipate the findings of this project to be finalised early 2023
- The findings from this project will be used to inform the revision of the WorkSafe Guidance 'Prevention and management of violence and aggression in health services', the development of good practice case studies and employer education. Expected completion is early 2023.

WORKERS' COMPENSATION JURISDICTIONAL UPDATE

1. New initiatives/projects

- No updates

2. Nationally consistent approaches and inter-jurisdictional activities

- N/A

3. Research/statistical reports

- N/A

4. Psychological claims management framework

- N/A

5. Legislative/regulatory change or review

Independent Review into the management of complex workers' compensation claims

- WorkSafe has published its second quarterly report against the recommendations made by the Independent Review into Complex Workers Compensation Claims (the Review).
- The Review and Victorian Government Response was released in March 2022. The Report made 22 recommendations, of which the Government accepted five, accepted in principle fourteen, considered two require further consideration, and noted one.

- WorkSafe is publishing its progress against the recommendations quarterly.

6. Changes to scheme design

- No updates

7. Evidence: research and data

Clinical effectiveness of spinal cord stimulators for persistent pain

- **Need:** Spinal cord stimulator implants require ongoing maintenance, reprogramming, and replacement often via repeat surgeries and are a costly intervention. The medium and long-term clinical effectiveness of spinal cord stimulator implants for persistent pain is uncertain. The purpose of the evidence review is to:
 - Determine the effectiveness of spinal cord stimulator implants on persistent pain.
 - Assess the effect of spinal cord stimulator implants on function (physical, psychological, social), quality of life, return to work, and medication and healthcare use.
 - Identify the risks and inconveniences associated with use and maintenance of spinal cord stimulation implants.
- **Aim:** To conduct a review of the latest evidence for the clinical effectiveness of spinal cord stimulators for persistent pain. This review will update a previous ISCRR review conducted in 2014.
- **Objectives:** The objective of this project is to inform WorkSafe's decision making in the area of spinal cord stimulator implant use, with a particular focus on medium- and long-term outcomes, although short term outcomes will also be included.
- **Timing:** We anticipate the findings of this project to be finalised mid-2023.