Engineered stone ban update

Workers' compensation updates and insights

Improving investigation, prosecution and family support for workplace fatalities

Fatigue: a WHS issue

Quarterly

News
Update

PROTECTING WORKERS FROM AIRBORNE CONTAMINANTS

New workplace exposure limits come into effect on 1 December 2026.

WELCOME TO THE SAFE WORK AUSTRALIA QUARTERLY UPDATE

In this issue, we look at the new workplace exposure limits for airborne contaminants, provide an update on the upcoming engineered stone ban, and explore the WHS impacts of fatigue.

Subscribe to Safe Work Australia News to receive our quarterly newsletter or get email updates across a range of topics including work health and safety, workers' compensation, data and statistics, model WHS laws and codes of practice.

In this ISSUE

As I reflect on my first 6 months as CEO, I've seen firsthand the value of working collaboratively to deliver our vision.

Engineered stone ban
Protecting workers' health and safety

Preparing for the engineered stone ban
Safe Work Australia has finalised amendments to the model WHS Regulations to give effect to the engineered stone ban from 1 July 2024.

Improving the framework for investigating and prosecuting workplace deaths and serious injuries, and supporting affected families

Cover story

Protecting workers from airborne contaminants

Following extensive consultation and an expert review, WHS ministers have approved new workplace exposure limits for airborne contaminants, which will come into effect on 1 December 2026.

page 6

CEO column

As I reflect on my first 6 months as CEO, I've seen firsthand the value of working collaboratively to deliver our vision.

The articles you'll find in this issue showcase the breadth of projects we've been working on in partnership and collaboration with Safe Work Australia Members and the broader WHS ecosystem.

Marie with Safe Work Australia Members Tracey Browne from Ai Group (left) and Jennifer Low from ACCI (right) at the National Employers WHS Forum.

Workers' Memorial Day took place on 28 April 2024 and I attended a moving service at the Pilgrim Church in Adelaide. I have attended the Adelaide service for many years and I was honoured to participate this year as the CEO of Safe Work Australia. It was a timely reminder of the importance of the work we do to ensure safe and healthy workplaces.

An unsafe workplace can impact severely the lives and livelihoods of workers, their families and the community. While workplaces in Australia compare favourably against international standards for work health and safety outcomes, there are still too many workplace deaths and life-changing injuries.

One of the first things work health and safety ministers asked me to do as the newly appointed CEO was to consider how national work health and safety policy could be informed by the lived experience of families who have lost loved ones following a workplace fatality. Over the last 6 months I've met with families across Australia, listening to their stories about loved ones who went to work and did not come home, as well as workers who have suffered from a serious workplace injury. Listening to how people experience the WHS system first-hand is incredibly important when developing policy and helps us build a strong evidence base to drive improved outcomes. The report, which includes a stocktake of what jurisdictions have done to improve the management and investigation of workplace fatalities, has been provided to WHS ministers, and I encourage you to read more about it in this issue.

We've been talking a lot lately about how we will evolve our evidence base over the coming 5 years. It's one of our many important legislated functions under the Safe Work Australia Act. We will be ramping up our investment in this area by establishing a dedicated research section in the Agency to inform our policies and strategies and to deepen our connections with the research community. This builds on our current research activities, some of which you can learn more about in this issue – including the expert review of the deemed diseases list and Monash University's research on early intervention in workers' compensation.

Enhancing our research capability will allow us to assess and analyse approaches to workplace safety at a national level. It will also help ensure our policy is future focussed, and that our advice and model laws remain current and adapt to new technologies, industries, and ways of working.

I look forward to an ambitious but exciting journey ahead which I believe will help position Safe Work Australia well to continue to deliver our vision of safe and healthy work for all.

Marie signature

Marie Boland
CEO, Safe Work Australia

> *Enhancing our research capability will help ensure our policy is future focused, that our advice and model laws remain current and we adapt to new technologies, industries and ways of working.*

Marie with Kaurna elder Uncle Corey Turner, Peter Phatakis, President of the Asbestos Diseases Society of South Australia, and Enfield Ward Counciller Carol Martin OAM at the Workers' Memorial Day service in Adelaide.

PROTECTING WORKERS FROM AIRBORNE CONTAMINANTS

Following extensive consultation and an expert review, WHS ministers have approved new workplace exposure limits for airborne contaminants, which will come into effect on 1 December 2026 following a harmonised transitional period.

Work processes can release dusts, gases, fumes, vapours or mists into the air – known as airborne contaminants. These may be invisible or odourless, and breathing them in can increase the risk of adverse health effects, including occupational lung diseases. Under the model WHS Regulations, persons conducting a business or undertaking (PCBUs) must ensure that workers are not exposed to a level of airborne contaminant that exceeds the workplace exposure standards.

Based on contemporary health data, the updated workplace exposure limits for airborne contaminants will help better protect workers and make workplaces safer.

Fiona Leves, Director, Chemicals Policy

Breathing in dusts, gases, fumes, vapours or mists at work may cause lung damage. Eliminating or reducing exposure to airborne contaminants can lower the risk of developing occupational lung disease later in life.

Maryanne Shoobridge, Director, Occupational Diseases and Hygiene Policy

WES ▶ WEL

WHAT'S CHANGING

The workplace exposure standards (WES) will be known as workplace exposure limits, or WEL, when the WEL is implemented on **1 December 2026**. The change from standards to limits aligns with terms used internationally and makes it clear that these are limits that should not be exceeded. There are no changes to the concept or units of measurement.

While most exposure limits remained unchanged, the WES Review did result in some reductions and increases in limits and the removal or introduction of new limits.

Compliance with the WEL list will only become mandatory following 1 December 2026 and once adopted into the WHS laws of each jurisdiction. Until then, PCBUs must ensure they still adhere to the current WES and fulfil their existing duty to eliminate or minimise risks to workers from hazardous chemicals so far as is reasonably practicable.

The changes include:

- ⬇ Reductions in **160** exposure limits
- ⬆ increases in **11** exposure limits
- ✎ amendments to **79** exposure limits, including:
  - introduction or removal of 8-hour time weighted average, short term exposure limit or peak limitation for a particular airborne contaminant
  - merging multiple pre-existing exposure standards into a singular WEL
  - splitting pre-existing exposure standards into 2 WELs to account for differences in the inhalation and respirable fraction
- ➕ introduction of **30** exposure limits
- ✖ removal of **6** exposure limits

WHAT'S NEXT?

We will be doing further impact analysis for the following chemicals and substances to inform changes to their workplace exposure limit in the WEL:

- respirable crystalline silica
- formaldehyde
- benzene
- chlorine
- copper (fumes, dusts and mists)
- hydrogen cyanide
- hydrogen sulphide
- nitrogen dioxide, and
- titanium dioxide.

Find out more about the WEL, the changes from the WES, and the transitional period, on our website.

PREPARING FOR THE

Engineered stone ban
Protecting workers' health and safety

Safe Work Australia has finalised amendments to the model WHS Regulations to give effect to the engineered stone ban from 1 July 2024.

On 22 March 2024, WHS ministers agreed to progress amendments to the model WHS Regulations to give effect to a ban on engineered stone benchtops, panels and slabs. WHS ministers also endorsed a stronger regulatory framework to manage risks of exposure to respirable crystalline silica (RCS) from any material or product that contain at least 1% crystalline silica. The amendments are designed to protect thousands of workers from the health and safety risks from exposure to RCS.

The amendments prohibit a PCBU from carrying out, or directing or allowing a worker to carry out work involving the manufacture, supply, processing or installation of engineered stone benchtops, panels and slabs.

This ban will not apply to the removal, repair or minor modification of engineered stone benchtops, panels or slabs installed prior to 1 July 2024. Other limited exceptions to the prohibition are provided in relation to the disposal of engineered stone benchtops, panels or slabs and in relation to research and sampling.

The amendments additionally provide a notification framework for PCBUs working with previously installed engineered stone, and a national framework for WHS regulators to grant exemptions from the prohibition.

For the amendments to the model WHS Regulations to apply, each jurisdiction will need to implement them separately through amendments to their own WHS laws.

Safe Work Australia is developing guidance to support PCBUs and workers understand how amendments to the model WHS Regulations will affect them and to help them prepare for the changes.

Visit our website for the latest information on the engineered stone ban, and contact your WHS regulator for information about transitional arrangements and the implementation of the ban in your jurisdiction.

swa.gov.au/esban

IMPROVING INVESTIGATION, PROSECUTION AND FAMILY SUPPORT
FOR WORKPLACE FATALITIES

In October 2023, WHS ministers asked Safe Work Australia to undertake a stocktake of jurisdictional initiatives and reforms to improve the framework for investigating and prosecuting workplace deaths and serious injuries. Ministers also asked Safe Work Australia to provide advice by the end of April 2024 on what more could be done, with advice informed by consultation with affected workers and their families.

This project has been an opportunity to learn more about the progress made by jurisdictions, such as implementation of the National Principles to support families following an industrial death. It has helped us consider how to better support families who have lost loved ones following a workplace fatality and workers who have suffered from a serious workplace injury, within the WHS framework.

Our data shows on average each year around 180 workers are fatally injured at work. The impacts of work related fatalities, injuries and illnesses are devastating and affect workers, their families and the community. Reducing the incidence of work-related fatalities and serious injuries is a primary target under the *Australian Work Health and Safety Strategy 2023-2033* and is the core of the national policy work we do. All workers have the right to a healthy and safe working environment.

We have now completed our advice and our report is with WHS ministers for their consideration. The report will shape future discussions on actions to improve systems and support for workplace fatalities.

We'd like to take this opportunity to thank the families of deceased workers who took the time to share their experiences with us for this project.

> "The report highlights the adverse and continued impact a fatality or serious injury has on a worker's family. Following the death or serious injury of a loved one, families must navigate various regulatory and legal processes, which can increase the intensity and duration of their grief and their ability to adapt to life without their loved one. Work has and continues to be undertaken by Safe Work Australia Members to address these needs, including a number of initiatives such as the improvement or creation of family support liaison officers to improve communication and contact with families. However, through our consultations it was clear there remain significant frustrations for families, including:
>
> - adequate bereavement health and financial support
>
> - improving transparency in investigation and prosecution processes including decision making, and
>
> - being kept informed of regulatory and legal processes.
>
> The report seeks to set out these issues from the families' perspective and proposes what more could be done to better support families and improve the framework for investigating and prosecuting workplace deaths."

Sinead McHugh,
Director, WHS Framework

HONOURING LIVES LOST
WORKERS' MEMORIAL DAY

On Sunday 28 April 2024 we acknowledged Workers' Memorial Day.

Workers' Memorial Day is a day for solemn remembrance, as well as a serious call to action to reduce the incidence of worker fatalities in Australia.

WORLD DAY FOR SAFETY AND HEALTH AT WORK

On Sunday 28 April 2024 we acknowledged World Day for Safety and Health at Work (World Day).

The International Labour Organization's theme for World Day 2024 explored the impacts of climate change on occupational safety and health.

Heat, flooding, and extreme weather events are increasingly likely to disrupt the normal operation of many businesses. In addition, new technologies and industries in decarbonisation and the circular economy are emerging, creating new roles and introducing new WHS risks.

Climate change, increasing urbanisation and proximity of humans and animals have also led to the emergence of novel infectious diseases and increased the transmission and spread of other diseases.

The *Australian Work Health and Safety Strategy 2023-2033* sets a platform for delivering WHS improvements over the next decade, including on emerging issues like climate change and the green economy.

However you or your workplace acknowledged World Day, thank you for being part of our vision of safe and healthy work for all.

MANAGING THE RISK OF FAMILY AND DOMESTIC VIOLENCE AT WORK

Family and domestic violence can present in many forms, with significant impacts on a person's health, safety and wellbeing.

It can become a WHS issue if the perpetrator makes threats, intimidates or carries out violence on a partner or family member at the workplace, including if working from home. This means considering things like public access to the workplace, workers working with a family member or intimate partner, and when a worker is moving between work locations, such as between work sites.

We published an information sheet that provides guidance to PCBUs on how these risks can be managed appropriately and sensitively. It has been updated to reflect changes to the *Fair Work Act 2009* around entitlements to paid family and domestic violence leave.

> ❝
>
> *Workplaces can be a place of refuge for workers experiencing family and domestic violence and be a crucial source of social and economic support. But managing the risk of family and domestic violence at the workplace is complex. This information sheet aims to help businesses provide a safe environment for workers and information on where to seek further advice.*
>
> ❞
>
> **Sarah Wood**,
> Assistant Director,
> Psychosocial Policy

FATIGUE *A WHS ISSUE*

Fatigue is more than feeling tired and drowsy. It is short- or long-term exhaustion which results in reduced capacity to do things.

Explore our infographic to learn more about the WHS impacts of fatigue and how you can manage the risks.

Under WHS laws a PCBU (e.g. the employer) must ensure the physical and psychological health and safety of workers and other persons.

To do this they must (in consultation with workers and their representatives) eliminate or minimise the risk of, and arising from, fatigue, so far as is reasonably practicable.

Fatigue can harm workers and other people.

It can harm:

- **workers' mental health**, e.g. anxiety, depression
- **workers' physical health**, e.g. heart disease, musculoskeletal disorders, diabetes, high blood pressure, gastrointestinal disorders, lower fertility, and
- **both workers and other persons when fatigue makes the work less safe**, e.g. where safety depends on workers not making errors such as driving a vehicle.

Fatigue can be:

Physical   **Mental**   **Emotional**

or a combination of these

Fatigue can be caused by:

- **work schedules**, e.g. long or irregular hours, not enough breaks during or between work, or hours that disrupts a person's body clock

- **job demands**, e.g. high physical, emotional or mental job demands, or exposure to other psychosocial hazards

- **the work environment**, e.g. poor physical work environments, remote or isolated work, or poor work accommodation

⚠ Long working hours are prevalent in Australia

12.4%
of Australian workers work 50 hours or more a week and some work more than 80 hours.[1]

45-54
age at which the percentage of workers working more than 50 hours a week peaks, before declining.[1]

If you work 55 or more hours a week it **increases** your **risk of stroke by 35%** and your **risk of dying from ischemic heart disease by 17%**, compared to working 35-40 hours.[2]

Workers are often exposed to multiple fatigue related hazards. Workers who work long hours are also more likely to be exposed to other hazards such as role overload and emotional demands.[3]
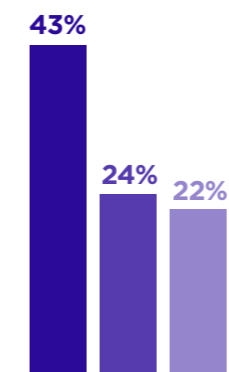
Industry insights

💡 **Highest proportion of workers working more than 50 hours per week[1]**

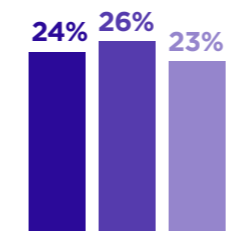|	
46%	Mining
31%	Agriculture, forestry and fishing
19%	Construction

💡 **Workers likely to say their work is emotionally demanding and they feel physically drained and burnt out[3]**
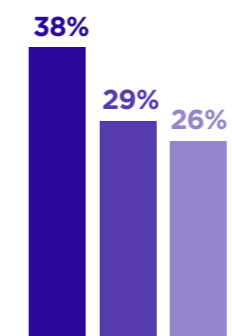
- ■ Emotionally demanding
- ■ Physically drained
- ■ Burnt out

Healthcare & social assistance
- 43%
- 24%
- 22%

Education & training
- 38%
- 29%
- 26%

Retail trade
- 24%
- 26%
- 23%

**Public administration & safety**
- 29%
- 22%
- 22%
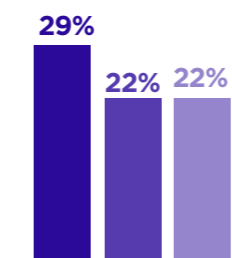
Manage the risks of fatigue at work

This may mean redesigning your work, the way you do it or your workplace.

For example:

- avoid long hours and redesign work schedules
- provide more breaks
- reduce the physical, emotional and mental job demands, e.g. use equipment to lift objects
- manage psychosocial hazards that increase the risk of fatigue, e.g. exposure to traumatic events or materials, low job control
- ensure workers have the things they need to do their jobs well, safely and on time, e.g. resources, tools, information, support, training
- change the work environment, e.g. improve lighting, reduce noise
- redesign the work to prevent errors, e.g. use IT systems to do calculations and provide reminders, reduce noise so workers don't need to wear PPE, and
- protect workers and others from the consequences of any errors, e.g. double check for mistakes, install barriers to separate others from vehicles.
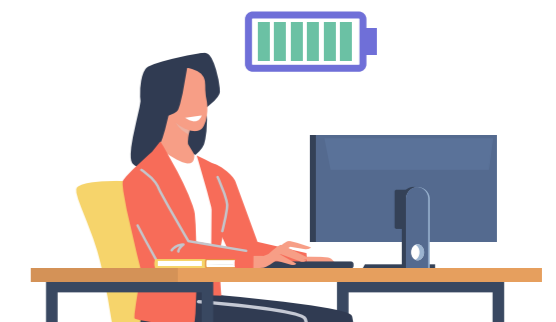
Sources

[1] ABS Census of Population and Housing 2021

[2] World Health Organisation and International Labour Organisation Joint Estimates of the Work-related Burden of Disease and Injury, 17 September 2021

[3] People at Work survey data, 1 April 2022 - 31 March 2024

WORKERS' COMPENSATION:
UPDATES AND INSIGHTS

Latest report comparing workers' compensation arrangements in Australia and New Zealand now available

We recently published the 29th edition of the *Comparison of workers' compensation arrangements in Australia and New Zealand.*

This biennial report provides information on the operation of workers' compensation schemes in each jurisdiction across Australia and New Zealand, comparing features such as coverage, benefits, return to work provision, self-insurer arrangements, and scheme administrative and funding arrangements.

ⓘ   **Read the report**

Updates to the deemed diseases list

"Deemed diseases" are diseases that, based on scientific evidence, are highly likely to be caused by work, so they are assumed to be work-related in most workers' compensation claims.

We recently commissioned Dr Tim Driscoll to lead an interim review of the deemed diseases report, following his 2021 review. Based on the review's findings, the List of Deemed Diseases in Australia and Supporting Guidance Material has been updated to include malignant mesothelioma and bladder cancer associated with work as a firefighter. Safe Work Australia Members also endorsed the review's recommendation to remove COVID-19, which the latest scientific evidence suggests is too prevalent in the community to assume work is the cause of most infections among workers.

ⓘ   **You can read the full report and the revised list of deemed diseases on our website.**

The aim of a deemed diseases list is to streamline access to workers' compensation, improve fairness and clarity, and reduce the likelihood of disputes. Safe Work Australia regularly commissions reviews to ensure our list reflects the latest scientific evidence.

Jim Gilchrist, Assistant Director, Workers' Compensation Policy

Insights on early intervention to improve return to work outcomes

As an initiative under the National Return to Work Strategy, Safe Work Australia engaged Monash University to undertake independent research to explore best practice early intervention and claims management models.

The research included expert consultation with a diverse range of stakeholders in the workers' compensation and return to work fields and an environmental scan and summary of national and international literature. The researchers identified a range of barriers and enablers to effective early intervention after claim lodgement.

ⓘ   **You can read the full report from Monash University on our website.**

This report highlights widespread agreement about the importance of early intervention amongst stakeholders in Australia and provides a great deal of insight into factors which enable early intervention and risks which need to be mitigated in order to facilitate early intervention.

Monash University

AIOH FOUNDATION

GRANTS PROCESS OPEN NOW

Are you passionate about reducing the burden of occupational disease in Australia? Do you have innovative ideas for research, data translation, or communications that can make a real difference in workplace health?

This is your chance to turn your vision into reality. The 2024 AIOH Foundation Grants round is now open. Applications close 30 June 2024. Learn more:

https://aiohfoundation.org.au/ call-for-grant-applications-2024/

CASE STUDY:
People
AT WORK
TOOL

Continuing to build the capability of PCBUs, regulators and workers to ensure compliance with the duty to manage psychosocial hazards at work is a key target of the Australian WHS Strategy 2023-2033.

One of the ways WHS regulators and Safe Work Australia are helping to build capability is the People at Work tool. It is a free online psychosocial risk assessment tool that supports PCBUs to identify, assess and control psychosocial risks.

The tool is easy for workplaces to use. It includes a worker survey that assesses 14 psychosocial hazards and provides tools to help PCBUs understand the results and take action to manage their psychosocial risks.

Funding partners

People AT WORK

24/7 funding partner access

National trends report

Industry benchmarking

De-identified data export

Australian workplaces

Australia's free psychosocial risk assessment survey

Online resources

Automated reports

Over 5,000 organisations have registered to use People at Work since it was digitised in November 2020 and over 100,000 workers have responded to the survey.

It also provides invaluable data on exposure to psychosocial hazards in the workplace for policy makers, regulators and researchers. People at Work data has recently been featured in the Safe Work Australia data report *Psychological health and safety in the workplace* and in the infographic Fatigue: a WHS issue on page 12.

CHALLENGES AND OPPORTUNITIES
FOR WORK HEALTH AND SAFETY EVIDENCE ON OCCUPATIONAL LUNG DISEASES

G20 Occupational Safety and Health
Data Collection Workshop

One aspect of our collaboration function is working with international bodies on WHS and workers' compensation policy matters of national importance. Our CEO represents Australia on the G20 Occupational Safety and Health (OSH) Network, which helps G20 countries to exchange WHS knowledge, expertise and best practices, as well as identify and coordinate global responses to policy and technical challenges.

On 12 March 2024, Safe Work Australia facilitated the inaugural Data Collection Workshop, focusing on the topic of occupational lung diseases. The workshop brought together an expert panel from a range of organisations, research institutions and national OSH bodies. The panel explored the challenges and approaches that have been taken to get relevant data on occupational lung diseases, sharing their experience and insights to support better practice amongst OSH bodies.

The workshop was facilitated by Phillip Wise, Director, Data Improvement and Analysis at Safe Work Australia, and featured our CEO Marie Boland as well as international panellists including:

- **Professor Tim Driscoll**, Professor of Epidemiology and Occupational Medicine at School of Public Health, University of Sydney (Australia)

- **Dr Renee Carey**, Curtin University (Australia)

- **Dr David Blackley**, Respiratory Health Division, National Institute of Occupational Safety and Health (USA)

- **Dr Halim Hamzaoui**, Occupational Safety and Health Specialist, International Labour Organization

- **Dr Ivan Ivanov**, Team Leader of the Occupational Health Programme, World Health Organization

- **Dr Elke Schneider**, Senior OSH and Policy specialist, EU-OSHA.

The panel highlighted challenges with collecting representative data on exposures and outcomes; the importance of drawing on multiple sources of data, including insights from workers, to build an evidence base; and limited awareness of exposure circumstances and preventative strategies.

The workshop concluded that:

- stakeholders in the WHS system need more exposure data to help interpret what is happening in workplaces and to shape action

- that public health information systems and data linkage activities have potential to unlock additional evidence if they can capture workplace characteristics, and

- a renewed commitment to investigating the work-related burden of disease will help ensure countries can proactively address persistent and emerging challenges in WHS.

This workshop is the first of an ongoing series, where experts from the Network come together to discuss emerging issues or priority challenges related to WHS evidence. Safe Work Australia is grateful for the support of the cooperating partners for the event, the International Trade Union Confederation, Türkiye, and the United States of America.

This really engaging discussion highlighted the value of uniting data with public health information to better address WHS challenges.

Phil Wise, Director, Data Improvement and Analysis

OUT AND ABOUT

We've attended various events over the past couple of months, connecting with stakeholders in person and promoting our goal of safe and healthy work for all. Catch up with our recent events below!

SYDNEY BUILD EXPO

We partnered with the Fair Work Ombudsman to attend the Sydney Build Expo on 1-2 May.

Members of our High Risk Work and Industries Policy team took the opportunity to connect with PCBUs and workers across the construction industry, showcasing our dedicated resources, including the SWMS tool and Know Your Duties construction tool.

Thank you to everyone who stopped by for a chat – it was great to hear from you!

INTERNATIONAL MINE HEALTH AND SAFETY CONFERENCE

On 16 April, our Chair, Joanne Farrell, delivered the keynote speech to open the International Mine Health and Safety Conference in Perth, Western Australia.

Joanne reflected on the history of WHS in Australia since federation, and how harmonisation of WHS laws has changed perceptions of health and safety at work, setting us up to better address emerging challenges around the changing nature of work.

NATIONAL EMPLOYERS WORK HEALTH AND SAFETY SUMMIT

The inaugural National Employers Work Health and Safety Summit on 8 May brought together employers and industry bodies for a series of insightful conversations on WHS issues. Our CEO Marie joined the event through a presentation and panel discussion with state regulators, covering priorities and challenges for WHS.

WORKERS' MEMORIAL DAY

Workers' Memorial Day is acknowledged on 28 April each year. Our CEO Marie Boland attended a memorial in Adelaide, paying her respects to those who have lost their lives due to workplace injuries and illnesses.

AUSTRALIAN INSTITUTE OF HEALTH AND SAFETY – NATIONAL HEALTH AND SAFETY CONFERENCE

Marie also presented at the National Health and Safety Conference in Melbourne on 22 May, where she highlighted the importance of collaboration to improving WHS outcomes.

Safe Work Australia | Quarterly News Update

WHY WE'RE HERE

A core function of our work is developing and maintaining an evidence base to inform WHS and workers' compensation policy and practice

$28.6b

The value to the Australian economy each year from reducing work-related injuries and illnesses

127,800

Serious workers' compensation claims in 2021-22p

37 killed

The preliminary number of Australians killed at work in 2024 to date

Subscribe to Safe Work Australia News to receive our quarterly newsletter or get email updates across a range of topics including work health and safety, workers' compensation, data and statistics, model WHS laws and codes of practice.