

# Separating Work Health and Safety Compliance and Education Functions

The Model



Attorney-General's Department



Government of South Australia  
Attorney-General's Department



# A message from the Minister



In April 2015, I released a consultation paper entitled 'Transforming Work Health and Safety Performance; How can we improve the effectiveness of the regulator?' which signalled my intention to clearly separate work health and safety compliance and education functions.

Thank you to those who contributed ideas and suggestions which have been taken into consideration when formulating a model that I believe will deliver structural change, business transformation and cultural change at SafeWork SA.

Essentially, SafeWork SA will be split into two clear operational units – a regulator and an educator. The regulator will be made up of industry teams and will be staffed solely by inspectors. The educator will contain a group of work health and safety consultants and a communications and community engagement team.

The separation of compliance and education functions will allow the regulator to focus on ensuring that the laws are not being breached and where they are, that suitable enforcement action is taken. The model will allow educators, who will not be inspectors to concentrate all of their efforts on providing support to workplaces.

This proposal will benefit workers, employers and the South Australian community by:

- Collaboration with health and safety representatives, business, unions and the community to raise awareness of and increase compliance with work health and safety laws
- Targeted support to those industry sectors generating the most workplace injuries
- Co-operation with Return to WorkSA in delivering risk management education and targeted education campaigns
- Support for workers and families of injured workers
- Providing strong, clear and consistent approaches to enforcing compliance with work health and safety laws
- Effective dispute resolution
- Quick and efficient prosecution of work health and safety laws
- Support for workers and families of injured workers.

Ultimately it will help reduce workplace injuries and fatalities which will reduce the financial, human and social cost for businesses, injured workers and their families and the community more broadly.

  
Hon John Rau MP  
Deputy Premier  
Minister for Industrial Relations

June 2015

# The Model

This model separates SafeWork SA's education functions from its compliance and enforcement functions into two separate and discrete units:

- An Educator; and
- A Regulator.

The **Educator** will contain **NO inspectors** at all.

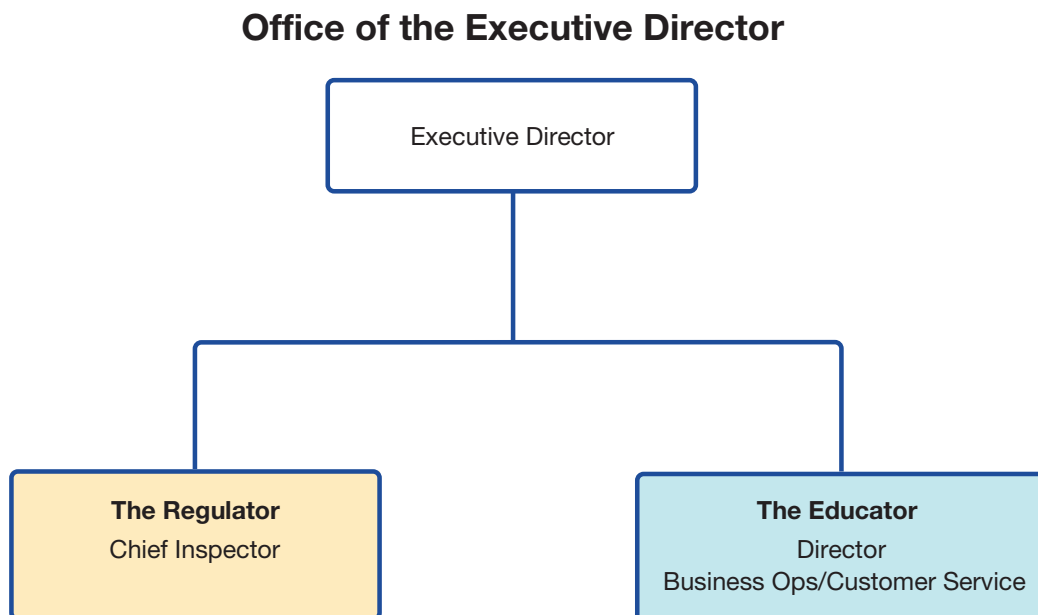
The **Regulator** will be staffed **ONLY by inspectors**.

The Educator and the Regulator will have direct but separate reporting lines to the Executive Director of SafeWork SA.

But this is not just about structural change.

This separation of education and compliance functions will deliver a business transformation where people will not get bogged down with legal jargon and complicated processes.

Instead they will receive practical support and advice on how to comply with the law from the educator **AND** they will experience strong, fair and consistent responses to non-compliance from the regulator.



# The Educator

The Educator will include the communications and community engagement team, a team of Work Health and Safety Consultants and the Library and Resource Centre.

A team of WHS consultants will be available to visit worksites on request to help employers and workers understand their legal obligations and how to meet them. Pro-active visits will also support employers. WHS Consultants will also be available to present at workshops, industry and union conferences etc.

The communications and community engagement team will develop resources in partnership with unions and industry/business (web material, apps, fact sheets etc). These tripartite materials will ensure that everyone has the same understanding of what compliance looks like and how an inspector will measure compliance.

The educator will be externally focused and will service workers, employers, industry and business representatives, Health and Safety Representatives and unions.

Everyone will be clear about where they can go for WHS advice.

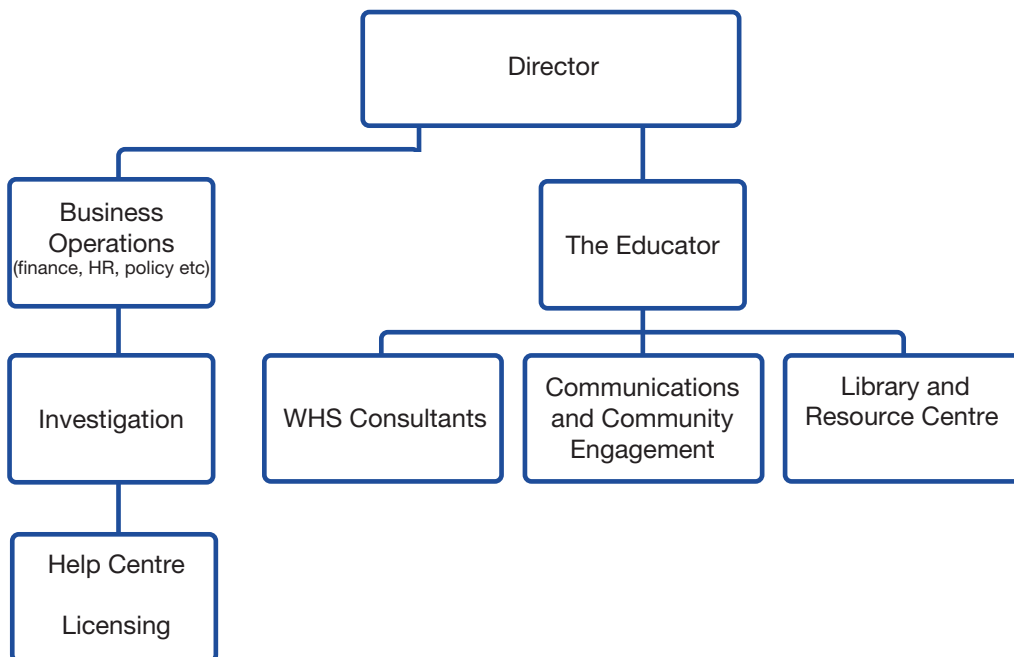
The model places the educator in the business operations/customer services side of the Agency's business.

This will also include the operational functions of the agency – finance, HR, IT etc.

A critical part of the operations of the agency is the investigation unit. This is where the interaction with the Crown Solicitor's office to enter into enforceable undertakings or initiate prosecutions will take place.

New Key Performance Indicators for this unit where 80% of investigation files need to be completed and referred to the Crown Solicitor's Office within six months, and 100% of files need to be completed within nine months have been established. This will ensure that investigations are completed and charges filed long before the two year statute of limitation period.

## The Educator, Business Operations and Customer Service



# The Regulator

The Regulator will be managed by a Chief Inspector.

He or she will be responsible for industry based teams of inspectors.

Each team will focus on the priority industries which are generating the most injuries and fatalities – for example Construction, Mining and Transport, Community Services, Agriculture.

Inspectors will have had experience in or will be recruited from those industry sectors.

They will be supported by a comprehensive and continuous training program, they will work within clear operational guidelines and policies and they will be accountable for delivering key performance indicators.

This will ensure that Inspectors are confident to exercise their powers when necessary, will be consistent in exercising those powers and will be responsive to complaints and requests for mediation providing clear direction to both workers and employers.

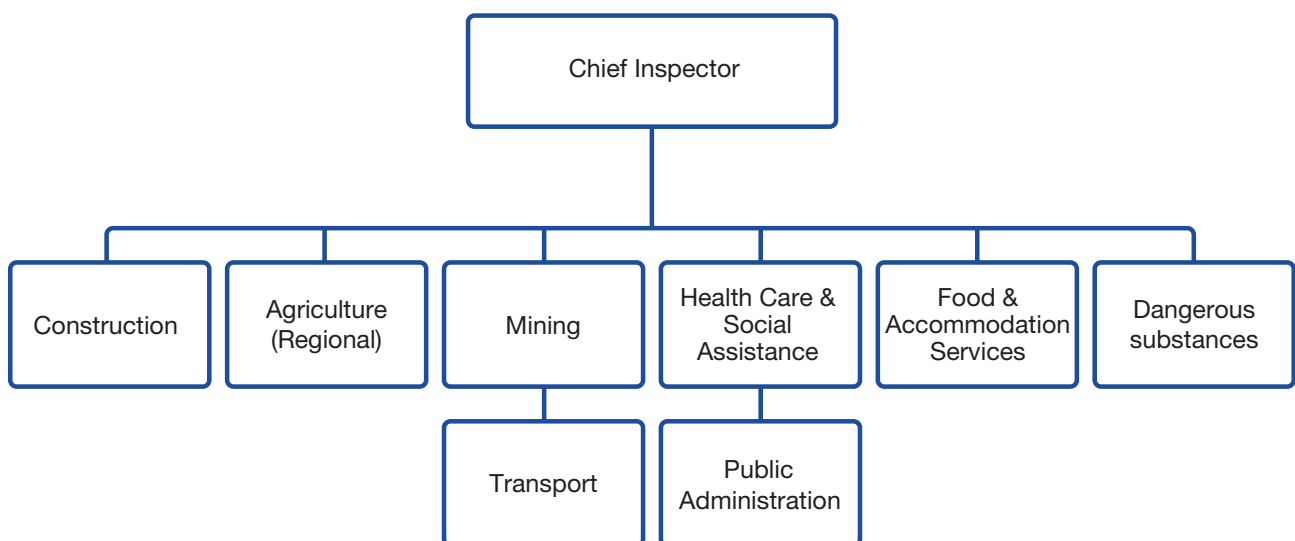
As well as responding to complaints and undertaking unannounced, random inspections, and reactive worksite visits these inspectors will be responsible for a regular program of targeted workplace audits.

In advance of these audits the regulator will inform the relevant sector of the proposed campaign. The regulator will be clear upfront with businesses and employers on what the law requires of them and how inspectors will measure compliance with the law.

This approach will ensure that the regulator is open, transparent and inclusive.

## The Regulator

(note that industry team names are indicative only)



# How?

The transformation will begin by undertaking a merit based recruitment process to fill three new executive positions (Executive Director, Chief Inspector and Director, Business Operations and Customer Services) which will ensure that the regulator and the educator have strong and energetic leadership to manage these changes.

Once the new structure is settled each team will be challenged to develop a 30 day innovation project which will lead to an outcome that improves customer service - eg more efficient processing of licensing, greater use of technology.

The agency will also be challenged to develop a 90 day project that considers the broader issue of how SafeWork SA can position itself best to meet the needs of customers and this may include technology and/or cultural interventions.

## The transformation will lead to cultural change and behavioural change reflected in:

-  Customers being clear about where to go for help and trusting that they will get it,
-  Confident, well informed, energetic, and reliable staff,
-  Collaboration across teams internally and across industries, unions and businesses externally,
-  More efficient delivery of services,
-  Staff taking personal responsibility for work outcomes with no blame shifting,
-  Strong support for professional development complemented by active performance management when required; and
-  Customer service that starts with 'yes'.





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