

Modern Workplace: Safer Workplace

An Australian Industry Blueprint for Improving Occupational Health & Safety

2005-2015

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

- Workplace culture drives outcomes more effectively than regulation;
- Mutual responsibilities exist, but should not be delegated to others;
- Active and ongoing OHS management plans and corporate leadership is required;
- There is a role for governments and regulation, but only where intervention drives improved outcomes;
- Australia's OHS performance is improving, but can and should be better;
- Commitment throughout the supply chain is needed, including early intervention through workplace design;
- The focus should be on risk management, not risk elimination where that is unachievable;
- The current system of regulation is seriously deficient;
- Complex regulation is self-defeating and removes the incentive to invest in better OHS outcomes;
- The duty of care based on reasonableness and foreseeability has been distorted in some jurisdictions into impossible or unreal duties of care;
- Specific measures, such as a business advisors program, are needed to make OHS regulation workable for small and medium businesses;



- Alternative criteria for assessing the duty of care, such as compliance with a safety management system, should be pursued;
- National consistency of regulation is a desirable goal, whether or not there are national laws;
- State and Territory governments have a crucial role to play if OHS regulation in the private sector is to be improved;
- OHS communication activities by governments should be nationally co-ordinated;
- An imbalance exists in current enforcement and compliance practices. The focus is on prosecution of the few instead of prevention amongst the many;
- Alternative penalty options, such as enforceable undertakings, should be introduced;
- Proposals for new offences of industrial manslaughter breach fundamental principles of criminal responsibility and should not be pursued;
- Safety awareness should be built into community education; and
- Investment in OHS training needs to be increased.