



AUSTRALIAN CHAMBER OF
COMMERCE AND INDUSTRY

MEDIA RELEASE

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**OCCUPATIONAL HEALTH AND SAFETY SYSTEM IN DIRE NEED OF REFORM:
LAUNCH OF OHS REFORM BLUEPRINT *MODERN WORKPLACE: SAFER
WORKPLACE 2005-2015***

Statement by Peter Hendy, Chief Executive

Australia's largest and most representative business organisation, the Australian Chamber of Commerce and Industry (ACCI), has today launched Australia's first national policy Blueprint by private sector employer bodies on occupational health and safety (OHS).

The OHS system in this country is in dire need of reform. The current system of regulation is seriously deficient.

Complex regulation is self-defeating and removes the incentive to invest in better OHS outcomes.

Just as tort (negligence) laws recently got out of hand and created major public liability problems, some OHS laws are now, for similar reasons, out of control and must be reined in.

Some of Australia's OHS laws and court decisions are straight out of 'Alice in Wonderland'. They reek of employers being liable out of convenience or retribution, irrespective of commonsense.

There is excessive growth of OHS regulation and red tape. Many employers, especially small and medium businesses, find OHS laws and regulations to be complex, bureaucratic, difficult to understand and almost impossible to implement effectively.

There is a lack of balance in some existing legislation and court decisions. The trend across jurisdictions has been to broaden legal duties beyond reasonable limits, increase penalties, extend liability to individuals in the management and supply chain and seek to punish rather than prevent.

The ACCI Blueprint, *Modern Workplace: Safer Workplace* has been driven by three imperatives: the business community must take leadership on OHS issues at all levels; the current system of OHS law and policy needs a comprehensive overhaul; and powerful common interests exist between employers and employees in achieving safer workplaces.

Modern Workplace: Safer Workplace, has been developed by Australia's State and Territory chambers of commerce and leading national industry organisations. These 36 organisations represent more than 350,000 businesses employing more than four million people.

The priority being given by ACCI and employer organisations to OHS is a reflection of the heightened commitment of industry to OHS, as well as the high level of concern amongst employers at current regulation, evident in ACCI's 2004 Pre-Election Survey.

The Blueprint calls on all stakeholders to share the employers' national Vision for Australia's OHS System:

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www.acci.asn.au

LEADING AUSTRALIAN BUSINESS

- 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.

ACCI is circulating the Blueprint widely across the Australian community and internationally. ACCI member employer associations will be communicating the key messages of the OHS Blueprint into Australian workplaces, within their industry sectors and to local politicians, regulators and policy makers.

A full copy of the *Modern Workplace: Safer Workplace* Blueprint, summary brochure and related material is on the ACCI website at www.acci.asn.au or can be ordered from the ACCI secretariat.

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