



WORKSAFE
ACT SAFE +
HEALTHY
WORKPLACES

RESIDENTIAL CONSTRUCTION STRATEGY

2022-2024



Background and rationale

WorkSafe ACT's functions are set out in the *Work Health and Safety Act 2011* (WHS Act), and include:

- providing advice and information on work health and safety (WHS) to duty-holders and the ACT community
- promoting and supporting education and training on matters relating to WHS, and
- fostering a cooperative and consultative relationship between duty-holders and the persons to whom they owe duties and their representatives in relation to WHS matters.

WorkSafe ACT developed a Residential Construction Strategy (the Strategy) in early 2020 with a mission that included proactive inspections and engagement with builders, tradespersons and workers on residential construction sites to detect contraventions and ensure compliance through regulatory sanctions under the WHS Act and *WHS Regulation 2011*.

An analysis undertaken on the outcomes of the Strategy and Operation Safe Prospect indicated that there was little change in safety behaviours and compliance with the WHS laws in the residential construction industry. Compliance rates were almost unchanged, as was the proportion of improvement and prohibition notices issued.

Data analysis

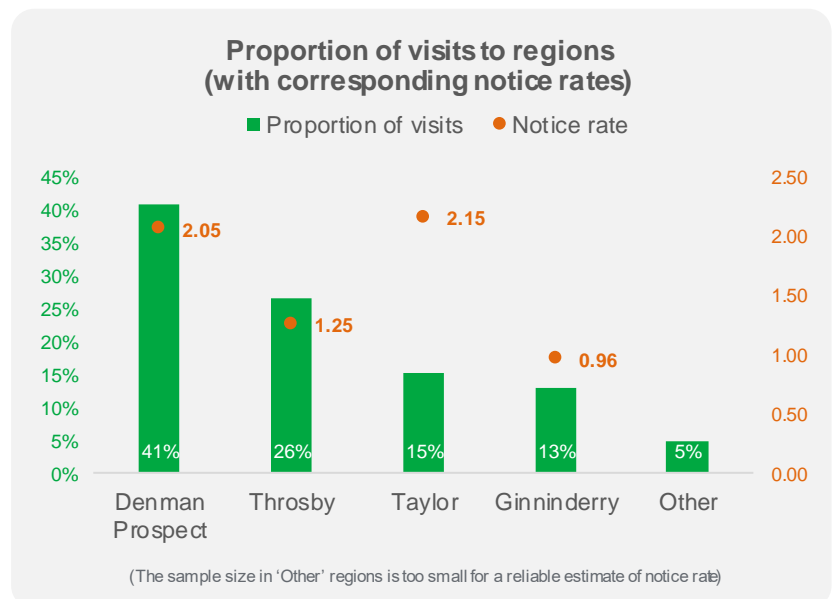
The 2021-2022 data will be evaluated at the end of the 2022 financial year. However, the preceding two years' data provide insights into non-compliance trends in the industry.

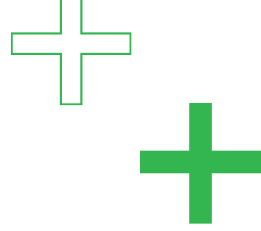
Regions

To make direct comparisons we can look at the notice rate, that is, the average number of notices per visit.

Forty-one per cent (41%) of visits were conducted in Denman Prospect; nearly twice as many as any other region. Denman Prospect also has the 2nd highest notice rate, at 2.05 notices per site visit. This suggests that despite the strong presence of WorkSafe ACT at Denman Prospect, the safety culture requires improvement when compared to other regions.

Notably, Taylor has the highest notice rate.

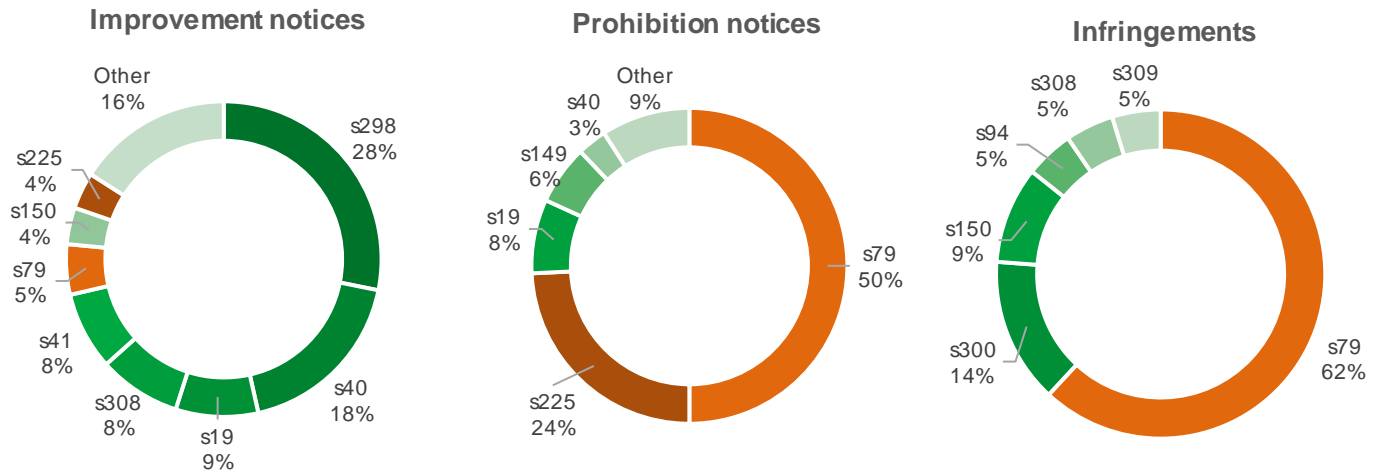




Offences

Risk of fall from heights (s79) and scaffolds (s225) remain the primary hazard at construction sites, accounting for 74% of prohibition notices, and 62% of infringements. The notice rate of s79 prohibition notices was tied highest in Denman Prospect and Taylor.

Note that we generally consider improvement notices, prohibition notices and infringements separately, so key hazards are not diluted due to the large number of improvement notices issued, in comparison to prohibition notices and infringements. The main offences that notices were issued against are shown in the following graphs.



Historical trends

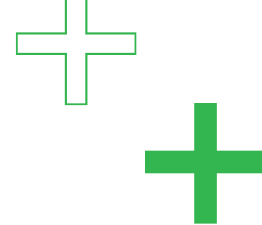
WorkSafe ACT has been active in the residential construction industry for a number of years. Although this pre-dates Operation Safe Prospect formally, we are able to make some rough comparisons by looking at data from proactive inspections in residential construction¹.

The average notice rate of the previous two financial years is shown below. WorkSafe has moved from an engage and educate model to pro-enforcement. This has driven the increase in the notice rate seen below. Going forward, monitoring the notice rate may provide an indication of the impact that WorkSafe ACT has on improving the safety culture of our community.

	2019-2020	2020-2021
Improvement	0.74	1.44
Prohibition	0.42	0.45
Infringement	0.07	0.14

In 2020-2021, twice as many improvement notices were issued per visit compared to the previous year.

¹The historical CRM data that has been used are the 461 records that have been labelled as 'Proactive' and 'Residential Construction'. There were no records from 2018-2019 with this definition. It likely what has been included does not capture all inspections of this definition. CRM data is a mix of green and brown field sites.



There was minimal change in the main offences observed between the two financial years. The table below compares the top offences (and the proportion of notices issued under that offence).

Improvement notices		Prohibition notices		Infringements	
2019-2020	2020-2021	2019-2020	2020-2021	2019-2020	2020-2021
s298 16%	s298 28%	s79 61%	s79 50%	s79 85%	s79 62%
s40 11%	s40 18%	s225 12%	s225 24%	s299 10%	s300 14%
s445 8%	s19, s308, s41 All at 8%	s78 17%	s19 8%	Other infringements: s300, s317	Other infringements: s94, s308, s309
s299, s150, s300 All at 7%	s79 5%	s19 6%	s149 6%		
s41, s79 All at 6%	s150, s225 All at 4%	s299 2%	s40 3%		

Over the two years 2020-2021, s79 – risk of falls from heights – remains the primary offence for both prohibition notices and infringements, indicating that this remains a key hazard in the construction industry.

Notably, a reasonable number of notices were issued for s299 (safe work method statements are required for high-risk construction work) in 2019-2020. In 2020-2021, s299 is no longer a highly breached offence. This could be that PCBUs are more aware of their obligation to hold a SWMS.

The offence with the highest number of notices issued against it is s298 (security of workplace) followed by s40 (duty in relation to general workplace facilities) for both years. Though the percentage of s298 notices has doubled since 2019-2020.

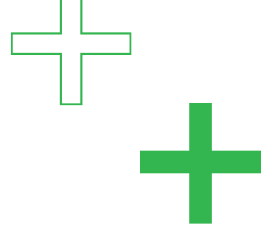
(No notices were issued against s445 (duty to train workers about asbestos awareness) in 2020-2021 as OSP covers greenfield sites only. WorkSafe ACT has a separate program of work tackling asbestos.)

Analysis of workers' compensation data

In the ACT, the construction sector has had the highest number of claims for at least the past five years; annually, there are around 650 claims, which is about 20% of the total number of accepted claims. Yet when considering the exposure, the construction sector accounts for only 10% of employees (based on workers' compensation policy figures).

There were 643 claims in the construction industry in 2020-2021.

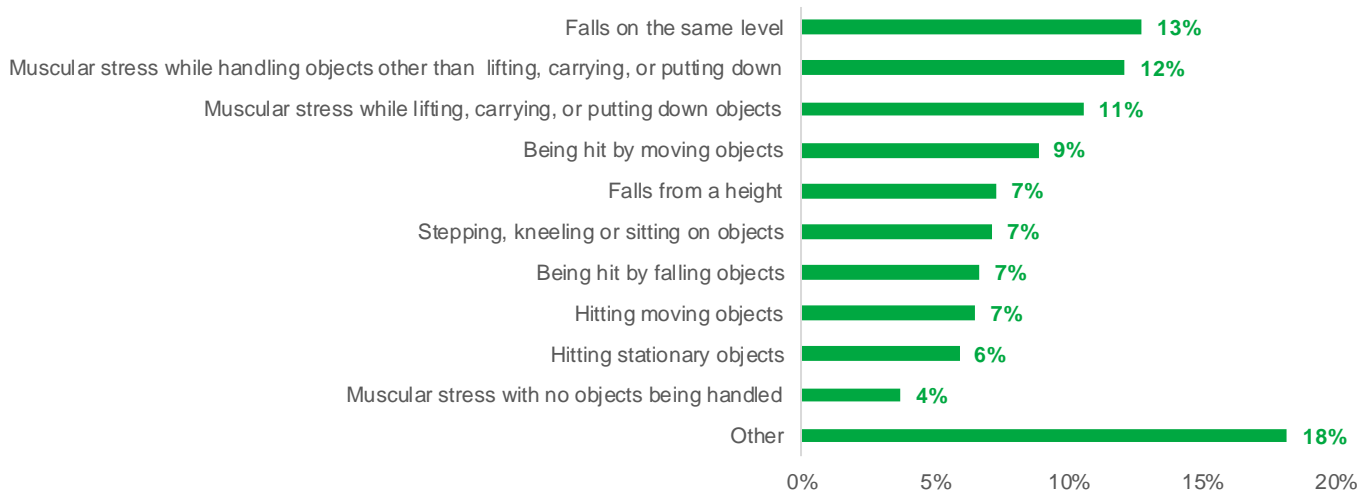
The claims rate – the number of claims as a proportion of the number of employees exposed – is around 3.8%, which is significantly higher than the median of 1.7%. There are only three industries that



have a higher claims rate: Mining; Manufacturing; and Electricity, Gas, Water and Waste Services. The construction industry remains a priority industry for WorkSafe ACT for this reason.

In the last five years, there has been marginal change to the primary mechanisms of injury within construction.

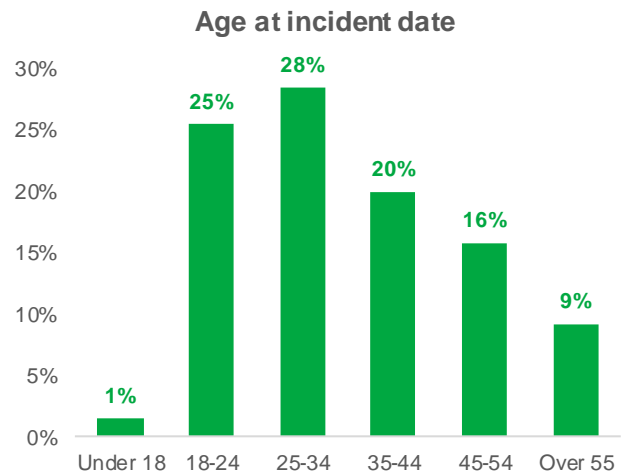
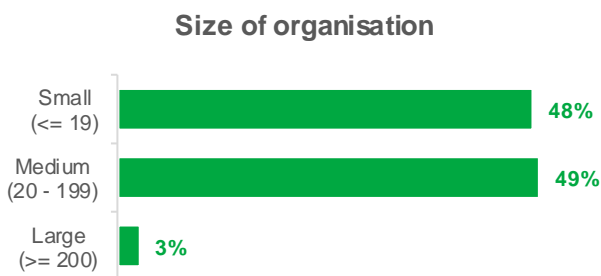
Primary mechanisms of injury in construction 2020-2021

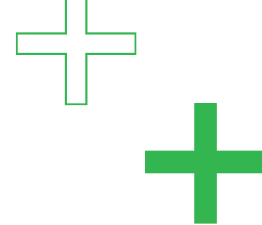


The following charts are based on 2020-2021 claims in the construction industry. Each chart* shows the proportion of claims attributed to that demographic.

Twenty-eight per cent (28%) of claims are for workers aged 25-34 years old. Small to medium business make up 97.4% of claims. The occupations with largest number of claimants are Carpenters and Joiners; Other Miscellaneous Labourers; and Electricians. These occupations make up 47% of construction claims.

(Exposure data is currently unavailable. WorkSafe ACT is collaborating with WSIR to acquire the data required, which will allow us to present a more complete view of the industry and the risk groups.)





Occupation	Proportion of claims
Carpenters and Joiners	19%
Other Miscellaneous Labourers	17%
Electricians	11%
Other Miscellaneous Technicians and Trades Workers	6%
Plumbers	6%
Other Construction and Mining Labourers	5%
Truck Drivers	4%
Other	32%

Stakeholder intelligence

Residential Construction Industry Forum

WorkSafe ACT hosted a forum on safety in the residential construction industry on 24 June 2021 with key industry stakeholders. The purpose of the forum was to discuss safety issues across the construction supply chain to inform compliance and enforcement in the sector.

Over 40 attendees heard presentations from Master Builders Association ACT (MBA), Housing Industry Association, CFMEU, and a keynote address from Professor Helen Lingard of RMIT.

Professor Lingard highlighted the complexity and dynamic nature of the industry, its supply chains and networks. She spoke about the pressures and risks that are passed along the supply chain and how commercial and project levers can erode or support safety on worksites.

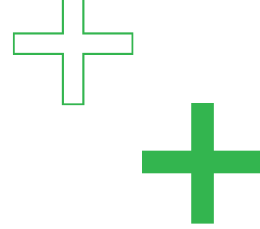
Key WHS barriers and opportunities highlighted at the forum included that:

- 'safety culture' may not be widely understood
- many in the industry don't have high-risk work licences to do all the tasks that are required of them
- site supervisors are spread across a number of sites and may not always be present
- timings and cost pressures outweigh safety concerns, and
- the enforcement approach needs to be consistent.

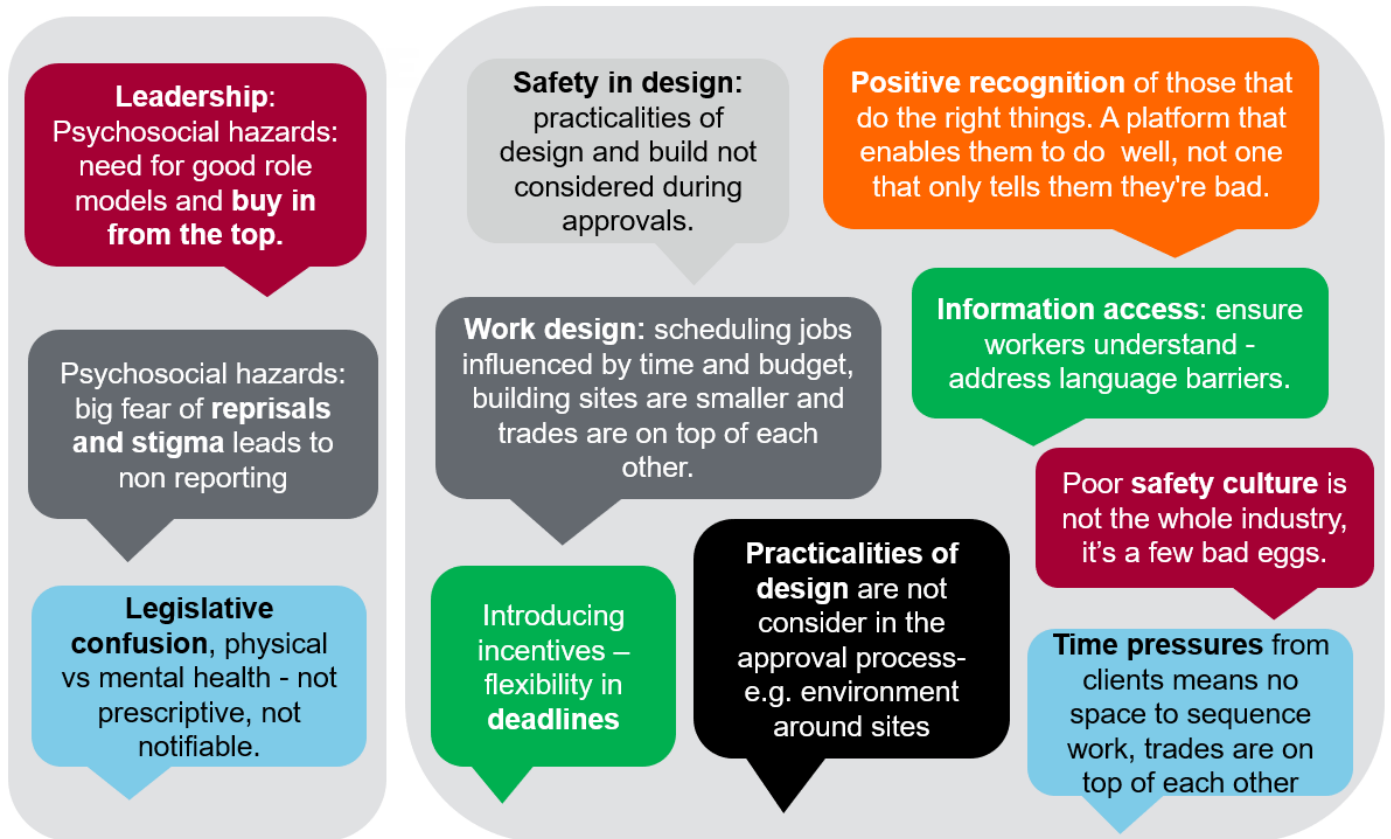
Psychosocial concerns were also widely discussed.

A review and refresh of this Strategy was a key outcome of the forum in combination with:

- continued collaborative stakeholder initiatives
- planning and delivery of breakfast events, and
- industry capacity building.



Residential construction industry forum – what we heard: psychosocial issues



Strategic alignment

WorkSafe ACT's Residential Construction Strategy is developed in alignment with WorkSafe ACT's governance structure and encompasses the priorities within the:

- [Strategic Plan 2020-2024](#)
- [Statement of Operational Intent](#), and
- [Compliance and Enforcement Policy 2020-2024](#).

The Strategy is informed by WorkSafe ACT's data and business intelligence and the four high-level strategies that underpin its activities, as set out in the Strategic Plan 2020 -2024.



Ensure fair and firm enforcement against non-compliance



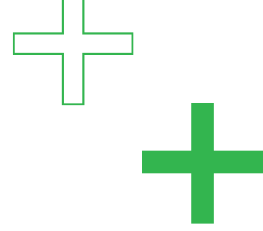
Minimise physical and psychological harm and improve WHS practice and culture



Engage with stakeholders to better understand and respond to current and emerging WHS issues



Create an exemplary regulator

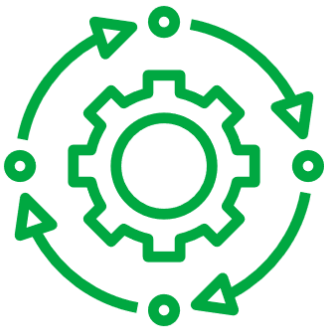


PURPOSE

This Strategy is the overarching document that captures WorkSafe ACT's approach to improving safety behaviours and compliance in the residential construction industry. The Strategy will guide the activities of WorkSafe ACT to enforce, engage and educate WHS in the ACT residential construction sector over the next two years.

OBJECTIVES

The key objectives of the Strategy are:



Embed WHS in work design and systems



Secure stakeholder commitment to improve compliance rates



Enforce compliance across the residential construction industry



Build WorkSafe ACT's capability and capacity as a responsive regulator

SUPPORTING THE KEY OBJECTIVES

Table 1 outlines the rationale for each objective and possible supporting activities. The activities for each objective are flexible and targeted, based on ACT specific data and experience.

Table 1: Rationale and possible activities to support key objectives

	Objective	Rationale	Possible activities
1.	Embed WHS in work design and systems.	Move from an education and support phase to a phase of embedding WHS and safe systems into work design.	<ul style="list-style-type: none"> Communicate the advantages of safe work design. Shift compliance focus to include review of higher level systems when WHS breaches are observed. Conduct research into behavioural drivers for industry safety.



	Objective	Rationale	Possible activities
2.	Secure stakeholder commitment to improve compliance rates.	Partnering with key stakeholders to influence safety behaviours will help build co-operation, trust and the expectation of improved WHS compliance.	<ul style="list-style-type: none"> Build on established networks to form safety partnerships in the industry. Engage with the broader ACT community and ACT Government to deliver WHS messages and campaign outcomes. Provide resources in language.
3.	Enforce compliance.	The ACT community has the right to expect that WHS breaches will be consistently enforced in line with WorkSafe ACT's <i>Compliance and Enforcement Policy 2020-2024</i> .	<ul style="list-style-type: none"> Proactive compliance and enforcement campaigns. Full use of compliance tools. Investigating commencing prosecutions for repeat offenders at a systems level.
4.	Build WorkSafe ACT's capability and capacity as a responsive regulator.	WorkSafe ACT needs the appropriate capability and infrastructure to deliver the stated objectives.	<ul style="list-style-type: none"> Inspectorate training to improve technical knowledge and skills. Targeted recruitment of subject matter experts.

PRIORITY HAZARDS AND WORKGROUPS

Priority hazards and workgroups for the Strategy are identified through analysis of Safe Work Australia reports, workers' compensation claims data, Salesforce (WorkSafe ACT's case management system), investigations, and stakeholder feedback.

HAZARDS

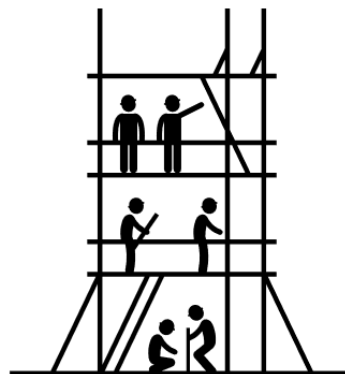
The most common breaches in residential construction are:



Falls from heights



Inadequate facilities



Scaffolding



Site security



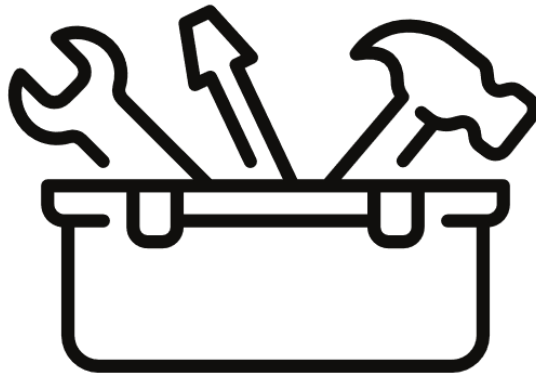
Noting that construction is a priority industry for WorkSafe ACT, the strategy will also focus on preventing musculoskeletal disorders and occupational lung diseases including silicosis and managing work-related psychosocial hazards.

WORKGROUPS

The strategy will focus on the following high risk workgroups:



Sole traders and small business



Trades workers



Young workers

EVALUATION

WorkSafe ACT is committed to evaluating and reporting on its activities to support its strategic initiatives. This will be achieved through yearly review of implementation and a final evaluation report for the life of the Strategy.

The progress of the Strategy will be reported in WorkSafe ACT's Annual Reports published on the website: <https://www.worksafe.act.gov.au/>