


SafeWork NSW

Annual Regulatory Statement 2024-25





Acknowledgement of Country

SafeWork NSW acknowledges Aboriginal people as the First Peoples and Traditional custodians of the land and water on which we live, work, and depend.

We pay respect to Aboriginal Elders past and present. As the NSW Work Health and Safety regulator, we pay respect to how Country has been protected and cared

for by Aboriginal people over many tens of thousands of years.

We recognise the unique spiritual and cultural significance of land, water and all that is in the environment and the continuing connection and aspirations for Country of Aboriginal people and Traditional custodians.

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Message from the Deputy Secretary



Trent Curtin
Acting Deputy Secretary, SafeWork NSW

In 2024–25, SafeWork NSW will take a firm regulatory stance to address persistent and emerging harms, working with industry, unions, workers and their representatives to secure compliance with our work health and safety laws.

SafeWork NSW is embarking on a comprehensive reform, catalysed by Justice McDougall's Independent Review and recent audit findings by the NSW Audit Office. We are committed to implementing these recommendations and embedding best-practice approaches, transforming SafeWork NSW into a strong, accountable and responsive regulator. This reform, and the transition to becoming a standalone regulator, are critical for our future success and will be a primary focus for SafeWork NSW in 2024–25.

We are determined to strengthen industry capability and deepen stakeholder collaboration, aimed at securing safer and healthier workplaces for everyone at work in NSW, especially those who are more at risk.

SafeWork NSW's multilayered approach encompasses advising, educating, licensing, auditing, inspecting, investigating, and when necessary, enforcing and prosecuting to achieve compliance with our work health and safety laws.

With so many competing priorities, some larger and well-resourced organisations including government departments are not sufficiently prioritising efforts towards the health, safety and welfare of workers.

This disproportionately draws resources from SafeWork NSW, which then limits our ability to assist small and medium businesses, address increasing psychosocial risks and adapt to new ways of working and other emerging harms.

In 2024–25, SafeWork NSW will start to rebalance this. Larger and well-resourced organisations can expect swifter, stronger regulatory actions and enforcement, more readily targeted at duty holders and accountable officers where necessary. Over time as compliance improves, it is intended to shift effort away from these organisations towards industries and businesses in greater need.

Recognising that we have limited resources and cannot be at all workplaces, SafeWork NSW will bolster support for Health and Safety Representatives (HSRs). HSRs are vital in promoting worker-employer consultation, hazard identification and safety advocacy every day. HSRs, who are often under-supported, are vital for improving health and safety outcomes.

In 2024–25, SafeWork NSW will continue to deliver core regulatory functions and address persistent harms, while focusing on the regulatory priorities set out in this Annual Regulatory Statement.

About us

SafeWork NSW is the state's work health and safety regulator. We engage with the NSW community to prevent work-related fatalities and serious injuries and illnesses.

We have a legislative mandate to undertake specific functions under the *Work Health and Safety Act NSW 2011*.

SafeWork NSW offers education and advice on improving work health and safety, provides licensing and registration for high risk work, provides safety testing services, and takes all necessary action to ensure the laws we administer are followed.

We are dedicated to using the best regulatory practices to make decisions based on solid evidence. Our services focus on the needs of our stakeholders, ensuring fairness, transparency, and the trust of the NSW community.



Our strategic framework

NSW is a signatory to the Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety and has adopted the Work Health and Safety (WHS) model laws and framework.

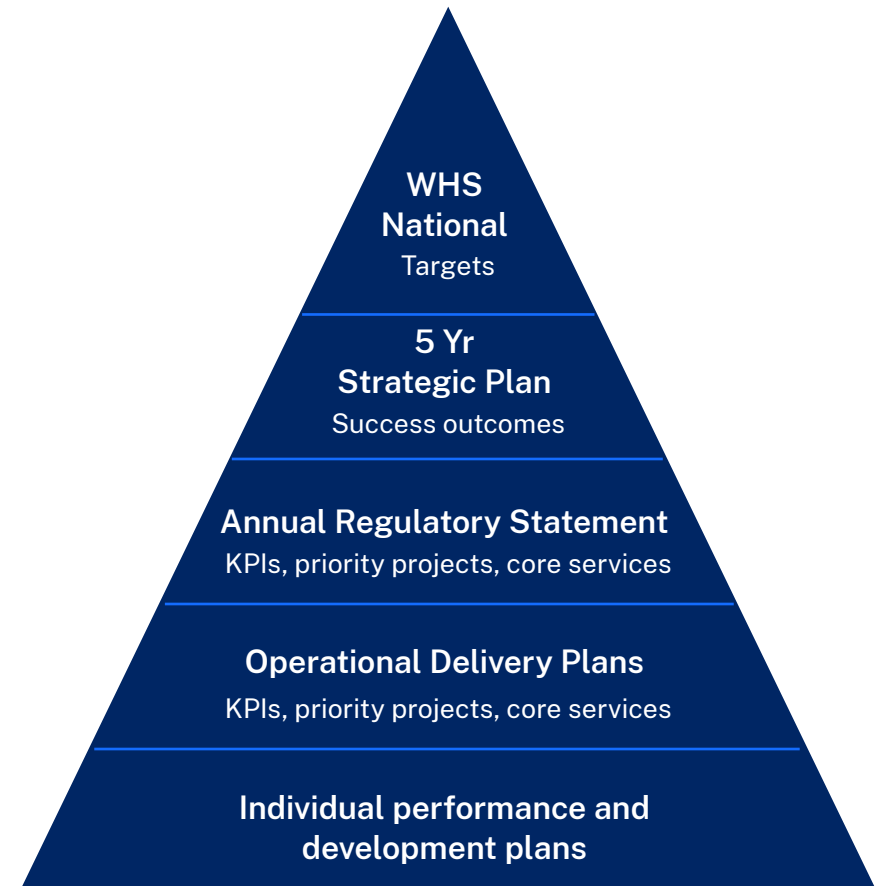
The *Australian Work Health and Safety Strategy 2023–2033* provides an overarching framework setting the higher-level context under which jurisdictional work health and safety strategies and plans can align and operate with respect to local priorities.

SafeWork NSW strategic planning is hierarchical with the Safe Work Australia Strategy at a national level, the *SafeWork NSW Strategic Plan 2024–29* at a state level, underpinned by a SafeWork NSW Annual Regulatory Statement focusing on high priority areas.

The *Strategic Plan 2024–29* describes our purpose, objectives, the outcomes we want to achieve and how we will measure our performance (see summary at Appendix 1).

The *SafeWork NSW Annual Regulatory Statement 2024–25* describes what we aim to deliver over the coming 12 months and where we are putting our efforts. This includes our approach to compliance, enforcement, programs targeting harm prevention and how we will build our internal capabilities to be a model employer and regulator.

The Annual Regulatory Statement will be reviewed each year to consider changes in our operating environment. This is so we remain focused on the right priorities and that we are doing our best to ensure the health and safety of NSW workplaces.



Focus areas and actions for 2024-25

In line with our strategic goals, the Annual Regulatory Statement 2024-25 outlines key areas for attention and reform over the next financial year.

It describes:

- 1 our regulatory approach towards compliance and enforcement
- 2 our regulatory priorities targeting harm prevention
- 3 how we will build our internal capability to be effective and efficient.



Focus 1: Our approach to compliance and enforcement



In 2024–25, we will bolster our capacity for compliance, investigations and prosecutions. This includes seeking opportunities to increase in-field resources for risk-based investigations and prosecutions. This will ensure a stronger, more targeted approach to the most pressing, severe and persistent compliance issues. We will also focus our compliance activities on workplaces with poor safety behaviours and practices, and on repeat offenders.

Emphasising a preventative stance, we will enhance our capacity to anticipate and respond to emerging harms.

To support our efforts in enforcement, SafeWork NSW will continue our regulatory reform agenda, noting our commitment to the national model WHS laws.

We will identify and continue to seek opportunities to strengthen WHS laws in collaboration with other jurisdictions through Safe Work Australia and the Heads of Workplace Safety Authorities.

SafeWork NSW will work on implementing national reforms including penalty increases into NSW, such as the ban on the use of engineered stone and strengthening regulation of crystalline silica.

We will conduct our statutory reviews of the NSW legislation as required, to ensure that non-model provisions are fit for purpose. We will ensure that we have the right regulatory tools including appropriate penalties in order to be a robust regulator.

Codes of practice and industry guidelines provide instructions to industry on certain high risk activities to ensure the safety of workers. We will continue to review the codes and guides to ensure they are updated to include the latest information on best practice.

Actions we will take

1. Implement and enforce the ban on the use, supply and manufacture of engineered stone. Regulation remake for non-model provisions and the explosives regulation remake.
2. Introduce stronger regulation of crystalline silica substances.
3. Finalise industry consultation on defining separation distances for ammonium nitrate storage.
4. Introduce and implement an industrial manslaughter offence.
5. Introduce higher penalties and more penalty notices to allow for on-the-spot fines and an escalated compliance response for our inspectors.
6. Review our decision-making processes for triaging incidents, enforceable undertakings and conducting prosecutions.
7. Continue with our reform program including the WHS
8. Continue to take a more focused effort on addressing psychosocial hazards including workplace sexual harassment.
9. Review codes of practice.
10. Support the capability of Health and Safety Representatives by conducting forums to understand effective consultation.
11. Review our process and capacity to undertake risk-based investigations and prosecutions.
12. For poor performers, we will undertake analysis to identify businesses and employers presenting a high risk of non-compliance and the potential for high levels of harm.

Focus 2: Regulatory priorities



The following high risk regulatory priority areas for 2024–25 were identified and assessed through research, data and intelligence sources. In these areas, we intend to take specific actions to prevent or reduce the risk of death, injury and illnesses in NSW workplaces.

Falls from heights

Falls from heights are the most common cause of traumatic fatalities, particularly in the building and construction sector. Between 2018 and 2022, there were 17 fatalities due to falls from heights in the construction industry.¹

To reduce fatalities, injury and illness rates in the NSW building and construction industry, SafeWork NSW will continue its efforts under the *Building and Construction Work Health and Safety Blueprint to 2026*.

Actions we will take

1. Equip businesses and workers with the necessary knowledge and skills to maintain a safe work environment when working at heights by delivering targeted site supervisor workshops, safety webinars and podcasts.
2. Continue targeted compliance activities in the building and construction sector to hold responsible those failing to apply the appropriate level of controls, with a particular focus on safety when installing rooftop solar and when erecting and working on scaffolds.
3. Ongoing commitment to improve the embedding of WHS best practice through collaboration with industry and other regulators.
4. Supporting, protecting and intervening where workers are at greatest risk, with a focus on vulnerable workers, by delivering apprentice education sessions via TAFE NSW.
5. Hosting of the biennial SafeWork NSW Building and Construction Symposium 2024 delivering workshops, presentations, and expert panels.

1. SafeWork NSW media release 16 February 2024.



Harms to workers in the health and social assistance sector with a focus on the disability sector

The health care and social assistance sector is the state's largest and fastest growing sector accounting for over 600,000 workers in NSW. The sector accounts for the highest number of workers compensation claims compared to all other industries in NSW. In 2022, there were over 17,000 claims accounting for 836,652 days off work.²

In NSW, musculoskeletal disorders (MSD) are the most common injury resulting in 52% of all serious claims.³ SafeWork NSW is dedicated to working with key stakeholders to prevent MSDs in workplaces in line with the *Musculoskeletal Disorder Prevention Plan 2024-26*.

While progress has been made under the previous *SafeWork NSW Work Health and Safety Sector Plan*, there is still more to be done to create safe and healthy workplaces for all workers.

Actions we will take

1. Raise awareness of workers' and employers' WHS duties and obligations through advice and education activities including a stakeholder summit.
2. Build WHS knowledge and capability for industry leaders through development of practical WHS information and resources.
3. Drive industry-wide change to create safe and healthy workplaces by establishing industry action groups and hosting regulator roundtables to collaborate, develop and promote WHS messaging and initiatives.
4. Undertake regulatory action to drive WHS compliance through targeted programs, with a focus on addressing psychosocial hazards, ensuring duty holders are compliant with their WHS obligations.
5. Continue our focus on the prevention of MSDs with the Prevention Plan across the sector. The Plan aims to raise workplace awareness, build workplace capability, and drive compliance and continuous improvement through information, advice and online tools.
6. Continue with the Action Against Violence in NSW Hospitals Working Group.

² SafeWork NSW Our commitment to the Health Care and Social Assistance Sector. www.safework.nsw.gov.au

³ SafeWork NSW Musculoskeletal Disorder Prevention Plan 2024-26. www.safework.nsw.gov.au



Manage psychosocial risks at work including the risk of sexual harassment

Psychological health and safety

Preventing psychological harm needs to be a core focus for every business in NSW. Our vision is for all NSW workplaces to ensure psychologically healthy and safe work.

SafeWork NSW has made significant progress raising awareness of, and promoting, mentally healthy workplaces, primarily through the *NSW Mentally Healthy Workplaces Strategy 2018–2022*. Between 2017 and 2022 there was a 37.6% increase in the number of businesses in NSW taking effective action on mental health. Despite this progress, psychological injuries continue to rise in number and severity. NSW data shows that psychological claims rose 30% between financial years 2018–19 and 2022–23, compared with 11% for physical claims. Psychological injury not only impacts workers but their families and the wider community too. The average cost and time off work in these cases is more than triple that of physical claims. While the rate of this rise appears to have slowed, when compared to the 59% increase in psychological claims from 2014–15 to 2019–20,

the data still shows that mental health remains an urgent and pressing WHS issue.⁴

In May 2024, SafeWork NSW launched the *Psychological Health and Safety Strategy 2024–2026*. The Strategy builds on the introduction of the Regulations and Codes of Practice and describes our commitment to this regulatory priority. It outlines how the workplace regulator will support employers to manage risks and comply with their duty to prevent psychological harm in NSW workplaces. The Strategy has identified a number of high-risk sectors for focus in the next financial year including public administration and safety, education and training, healthcare and social assistance, construction and local government.

As we look to the future, SafeWork NSW will now shift its focus from raising awareness to achieving compliance in workplaces across NSW, especially in regard to high risk behaviours such as occupational violence that leads to psychological harm. We will be targeting messaging to industry sectors and high risk groups. We are collaborating with experts, people with lived experience of psychological injury and their supporters to create targeted messaging for various high risk sectors and migrant workers.

⁴ SafeWork NSW Psychological Health and Safety Strategy 2024–2026. www.safework.nsw.gov.au

Actions we will take

1. Educate businesses about their responsibilities to reduce harms and to provide workers with information on their rights to a safe workplace.
2. Provide businesses and workers with tools, resources and support that enable workplaces to comply and take action to address psychosocial hazards at work.
3. Provide guidance to inspectors on identifying psychosocial hazards at work and how to assist workplaces meet their legislative obligations for managing psychosocial risks.
4. Collaborate with other departments and agencies to educate workers and employers and enforce compliance.
5. Work with agencies such as iCare, SIRA and the Office of Local Government to support businesses with managing psychosocial hazards at work.
6. Undertake targeted compliance and enforcement activities in high risk workplaces including inspectors completing psychosocial WHS Checks when visiting workplaces with 200 or more workers.



Preventing sexual harassment at work

Sexual harassment is a psychosocial hazard that can severely impact workers' health and safety and lead to psychological and physical harm.

Sexual harassment is unwanted conduct of a sexual nature which would make a reasonable person uncomfortable, intimidated or humiliated. Workplace sexual harassment is when sexual harassment occurs in connection with work. It may occur at a worker's usual workplace or in other places where they work such as working from home or at a client's home. It can also happen during a work-related activity such as a work trip, social event or conference. The nature of workplace sexual harassment has also changed over time, eg. online sexual harassment.

Workplace sexual harassment occurs in all industries and at all levels. According to the Australian Human Rights Commission, one in three Australians have been sexually harassed at work in the five years up to 2022. In addition to harm to workers, it can also have a negative impact on business growth. According to a 2019 Deloitte study, it is estimated that workplace sexual harassment costs the Australian economy \$2.6 billion a year in lost productivity.⁵

The *Respect at Work Strategy* developed by SafeWork NSW has identified a number of key activities to be undertaken in the next financial year.

⁵ SafeWork NSW *Respect at Work Strategy*.
www.nsw.gov.au and Deloitte *The Economic Costs of Sexual Harassment in the Workplace*.

Actions we will take

1. Targeted media and information campaigns aimed at raising awareness on identifying, managing and responding to workplace sexual harassment including awareness of the role of SafeWork NSW as a responsive regulator and pathway for reporting.
2. Educate businesses and duty holders about the different forms, causes and impacts of sexual harassment across NSW workplaces and their responsibilities under work health safety laws to ensure a safe workplace free from sexual harassment. This will include developing and promoting a three-part webinar series about proactive prevention and management of workplace sexual harassment.
3. Provide NSW businesses and workers with resources to prevent and respond to workplace sexual harassment.
4. Develop and promote resources to help businesses apply the *Model Code of Practice: Sexual and Gender-based Harassment*.
5. Provide updated tools and guidance to inspectors in accordance with changes to WHS legislation for managing sexual harassment risks.
6. Undertake targeted compliance visit programs in high risk industries including a proactive visit program within the public sector.
7. Ensure effective regulation by taking enforcement actions in matters where there are serious breaches of WHS laws.



Exposure to hazardous substances including silica, asbestos, hazardous chemicals and carcinogens

Awareness of hazardous chemical exposure is low in spite of evidence that shows occupational chemical exposures have toxic effects on many body systems including reproductive, cardiovascular, respiratory and immune systems, and on specific organs including the liver and brain.

Results from health screening of stonemasons and engineered stone workers indicate that 1 in 4 workers screened have evidence of silicosis.

An estimated 4,000 Australians die annually from asbestos-related diseases. In addition, two people on average are diagnosed with mesothelioma each day, and certain respiratory diseases have also emerged as a challenge.⁶

⁶ Safe Work Australia Australian Work Health Safety Strategy 2023-2033. www.swa.gov.au and Asbestos related health conditions from www.asbestos.nsw.gov.au

Actions we will take

1. Deliver education and engagement programs that increase awareness of and prevent exposure to harmful substances via the:
 - provision and promotion of CALD resources
 - promotion of the asbestos awareness and safety training course
 - promotion of the silica awareness and safety training course
 - development of video safety alerts
 - development of online content to better meet customer needs
 - webinars and in-person information sessions
 - additional guidance material.
2. Deliver targeted compliance and verification programs to prevent or minimise exposure to hazardous substances.
3. Establish a robust licensing scheme for asbestos including management of poor performers.
4. Implement model laws that strengthen safety practices related to working with crystalline silica in NSW and the recent ban on the use of engineered stone.
5. Develop a NSW silica strategy.
6. Research programs to inform future policy and compliance approaches.



Being injured by mobile plant, fixed machinery or vehicles in the workplace

Body-stressing, falls, slips, trips, and being hit by moving objects are the causes of most workplace injuries in Australia. Vehicle incidents, being hit by moving objects and falls from heights continue to account for the majority of fatalities.

Serious injuries and fatalities in NSW involving plant most commonly occur in industries such as transport, manufacturing, construction and agriculture.

Vehicle incidents and other mobile plant are the leading cause of workplace fatalities in NSW accounting for approximately 50% of workplace deaths during 2022. Plant includes forklifts, elevating work platforms, delivery vehicles, order pickers, earth moving equipment, prime movers and cranes.

During 2021/22, incidents involving plant accounted for approximately 30% of all serious injuries including machinery, equipment, appliances, containers, implements and tools or components connected to them. Other powered plant and machinery such as conveyors, saws, augers and processors also cause significant injuries such as burns, cuts, fractures, amputations and even death.

The most catastrophic injuries occur when workers or other persons are hit with or by plant but can also result from hazards such as musculoskeletal stressors, falls and falling objects.⁷

⁷ All data from internal sources in SafeWork NSW.

Actions we will take

1. Raise awareness through communication campaigns on the risk of injuries caused by moving vehicles or plant and machinery.
2. Develop and promote case studies demonstrating what best practice compliance looks like when working around moving vehicles or plant and machinery.
3. Continued focus and support for higher at-risk workers such as young workers and those from non-English speaking backgrounds.
4. Continue to provide businesses and workers with tools, resources and support that enable workplaces to effectively manage the risks and work safely around moving vehicles, plant and machinery.
5. Collaborate and connect with industry and other stakeholders to improve the embedding of safety messages and risk management practices.
6. Targeted compliance visit programs to workplaces in high risk sectors.
7. Establish a community of practice within SafeWork NSW focused on safety around moving vehicles, plant and machinery, to share information and achieve consistent enforcement outcomes.

Focus 3: Building internal capability



SafeWork NSW is embarking on a comprehensive reform encompassing a whole-of-organisation review. It will include enhancing operational efficiency, consistency, transparency and accountability, and elevating our engagement with stakeholders and Health and Safety Representatives. Reform and independence are a primary focus for successfully shaping SafeWork NSW in 2024–25.

In doing this, we recognise it is important to build our internal capability in order to deliver our services more efficiently and effectively.

SafeWork NSW will invest further in intelligence-driven risk reduction efforts and will seek funding for a digital refresh. By improving our systems and harnessing data analytics and insights, we aim to identify and address workplace hazards and high risk industries more proactively and effectively.

In the financial year 2024–25, SafeWork NSW will focus on improving our processes and systems while responding to the outcomes of recent independent reviews. This will ensure we remain an efficient and responsive regulator.

Actions we will take

1. Review our operating model and processes to ensure delivery of best practice regulatory interventions.
2. Establish an annual planning and reporting regime that promotes transparency and accountability.
3. Establish appropriate corporate governance and risk frameworks to support the transition to an independent agency.
4. Review our customer service standards and seek to provide timely responses to inquiries and requests.
5. Develop a stakeholder engagement framework to collaborate and connect with key stakeholder groups.
6. Improve our governance, fiscal management, decision making and supporting systems to ensure efficient and effective use of resources.
7. Review our data and intelligence capability, and continue to transition our routine transactions to digital platforms.
8. Develop an assurance and continuous improvement framework to embed a standardised approach to monitoring and evaluating our regulatory approaches.
9. Elevate our approach to our own health, safety and wellbeing.
10. Monitor the experience of our staff through the annual employee survey.
11. Develop and embed a people and culture plan.
12. Implement a workforce planning approach that increases our capacity.
13. Invest in leadership and specialist skill development to ensure we have the right capabilities to deliver optimal outcomes.
14. Review our capacity for improving psychological safety outcomes.

Success measures

Objective – Preventing harm through strong and responsive regulatory approaches

| | |
|--|---------|
| Reduce worker fatalities and serious injuries and illnesses in NSW workplaces | Annual |
| Monitor and enforce compliance and focus on harm prevention in priority areas | Ongoing |
| Regulatory priorities in 2024–25: | |
| <ul style="list-style-type: none"> falls from heights managing psychosocial risks at work including the risk of sexual harassment exposure to hazardous substances including silica, asbestos, hazardous chemicals and carcinogens injuries due to moving plant, fixed machinery or vehicles in the workplace harms to workers in the health and social assistance sector with a focus on the disability sector | 2024–25 |
| A stronger and more targeted approach to the most pressing, severe and persistent compliance issues | Ongoing |
| Focus on workplaces with poor safety behaviours and practices, and repeat offenders | 2024–25 |

Objective – Supporting industry capability by educating, advising, empowering and securing WHS compliance

| | |
|--|---------|
| Provide access to information and resources that are fit for purpose | Ongoing |
| Raise awareness of SafeWork NSW and its regulatory role | Ongoing |

Objective – Engaging and partnering with government, industry, unions and those affected by workplace incidents to collaboratively solve WHS issues

| | |
|--|---------|
| Engage and partner with relevant stakeholders to identify and solve WHS issues | Ongoing |
| Assist understanding of WHS rights and responsibilities | Annual |

Objective – Striving to be a model employer and regulator

| | |
|--|--------|
| Operate as a trusted and respected regulator | Annual |
| Staff are satisfied and engaged working for SafeWork NSW | Annual |

Appendix

The SafeWork NSW Strategic Plan 2024–29 defines our purpose and the outcomes we want to see in this period. The Plan describes the strategic choices we have made to secure these outcomes, what we aim to achieve, and how we will measure our performance.

| Purpose | | To secure safe and healthy workplaces in NSW | | | | |
|-----------------------------|--|---|---|--|---|--|
| Strategic objectives | Preventing harm through strong and responsive regulatory approaches | Supporting industry capability by educating, advising, empowering and securing WHS compliance | Engaging and partnering with government, industry, unions and those affected by workplace incidents to collaboratively solve WHS issues | Striving to be a model employer and regulator | | |
| Our actions | Research and data-led programs, interventions and solutions | Strong and proportionate approach to compliance and enforcement | Evidence-based and tailored resources aiding compliance focusing on at-risk and vulnerable workers, small businesses, HSRs and permit holders | Partnerships with peak bodies to solve WHS problems | Systems and process improvements for regulatory best practice, legislation and policies | Workforce planning and capability building to create a culture focused on safety and wellbeing |
| Outcomes | NSW workplaces are safe and healthy SafeWork NSW is a trusted and respected regulator | | | | | |
| Success measures | Reduced worker fatalities caused by traumatic injury Reduction in the frequency rate of serious injury and illness claims Monitor and enforce compliance and harm prevention in priority areas | Support of WHS compliance by providing access to information and resources that are fit for purpose Raised awareness of SafeWork NSW and its regulatory role | Stakeholders understand their WHS rights and responsibilities SafeWork NSW engages and consults with partners to identify and solve problems | SafeWork NSW is a trusted and respected regulator Staff are satisfied and engaged with working for SafeWork NSW | | |
| National WHS | NSW will align to the Australian WHS Strategy 2023–33 targets and actions | | | | | |

Drivers of success



Trust and Respect
We have trust and respect from the community as a strong and responsive regulator



Transparent and Accountable
We strive to deliver best value regulatory interventions and remain transparent and accountable



Independent and Consistent
We have a strong and consistent regulatory approach by holding duty holders accountable for creating and maintaining safe and healthy places of work



Strong and Responsive
We respond and target our regulatory attention on high risk, poor performers and repeat offenders and take reasonable and appropriate enforcement action

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