WHSQ ESC Our Regulatory Approach

Our Regulatory Approach outlines the overall framework we apply to influence duty holders to comply with work health and safety and electrical safety laws and understand the principles and values behind these requirements. It continues the strong focus on enforcing compliance established in response to the 2017 Best Practice Review of Workplace Health and Safety Queensland and delivered through the Queensland Compliance Monitoring and Enforcement Policy 2018.

This quick reference guide provides a summary of Our Regulatory Approach. For an in-depth understanding, review the full Our Regulatory Approach.

Our mandate

Workplace Health and Safety Queensland (WHSQ) and the Electrical Safety Office (ESO) are regulatory agencies with a legislated mandate to influence individuals and businesses to comply with Queensland work health and electrical safety laws. WHSQ has legislated mandate through the Work Health and Safety Act 2011 and Safety in Recreational Water Activities Act 2011 while ESO has legislated mandate through the *Electrical Safety Act 2022*. Our mandate is supported through a continuous cycle to secure work health and safety and electrical safety.

Our regulatory cycle

Recognising continuous improvement and self-regulation

1. **Setting** standards

6. Sanctioning and deterring non-compliance

Work health and safety and electrical safety is secured

Advocating for sustained compliance

3. **Monitoring** compliance

2.

Promoting

compliance

and deterring

non-compliance

Enforcing compliance

Our regulatory approach is a blend of theory and practice

We combine contemporary regulatory theory with established practice and experience-based practical insights to address rapidly changing risks, organisational structures, work practices and work environments. Our approach is grounded in strategic enforcement and risk-based and responsive regulation theory and reinforces our *Queensland Compliance Monitoring and Enforcement Policy 2018*.

Setting and being responsive to priorities and targets

Risk-based targeting for areas of greatest risk and greatest improvement:

- Industry sectors
- · Health conditions
- High-hazard workplaces and activities
- At-risk groups of workers and community members

Evaluating, monitoring performance and reporting for continuous improvement

Applying our regulatory assurance framework to close regulatory gaps and sustain improvements (overall approach and individual initiatives)

Designing strategic interventions

Using a mix of tools to address varying duty holder motivations to comply and drive behaviour and applying the Queensland Compliance Monitoring and Enforcement Policy 2018

- Policy development
- Audit campaign design
- Program design
- Inspection process
- Focus on industry and business structures and supply chains
- Maximum reach, influence and deterrence
- Outreach to workers and the community
- Outreach to duty holders
- Co-enforcement
- Consultation and communication

Delivering effective interventions and regulatory responses

Increasing compliance and improving the culture of WHS/ES

- Proportionate to the extent of risk
- Aligned and responsive to motivational postures (willingness and ability to comply)



Our regulatory responses

We use a range of regulatory actions to address the varying motives and approaches of duty holders to comply – in policy development, audit and program design, and inspection. Our regulatory toolkit includes a wide range of actions and we select the best tool to leverage compliance.

Regulatory diamond

Committed

to comply

1. Identify duty holder compliance position



2. Apply regulator response that is proportionate to duty holder compliance position

Regulatory diamond concept informed by Kolieb 2015 and Thorning et al 2017

Disengaged to comply Criminal proceedings (including industrial manslaughter, reckless conduct and duty contravention proceedings) **Court sanctions** Court orders (including adverse publicity, restoration, WHS/ES project, injunction and training orders) Enforceable undertakings Adjust response as duty holde^{r complian}ce position changes Infringement notices **Administrative sanctions** • Suspension/cancellation of authorisation or licence Prohibition notices Unsafe equipment notices Electrical safety protection notices Require compliance Improvement notices Licence conditions Immediate compliance Verbal and written advice Reinforce compliance Ongoing education Injury Prevention and Management Program Verbal reinforcement Feedback that risks are well managed Profile good WHS and ES practices and facilitate Promote compliance and deter non-compliance peer recognition by supporting businesses to speak at regulator endorsed network events and workshops Collaborate with business to produce, publish and distribute case studies Safe Work Awards Recognise compliance Invitations for businesses to speak at seminars, symposia and similar events

Our range of regulatory tools



Regulatory policy

Officer duties

Advisory services

Place-based and

focussing on specific

geographic clusters

and/or user needs

and human factors

human-centric

interventions

and role of

Boards

Director of Public Prosecution Guidelines

Queensland Compliance Monitoring and Enforcement Policy 2018



Supporting Health

Representatives

and effective workplace

consultation processes

and Safety

Legislative reform



Regulatory partnerships

with other agencies, HSRs and other worker representatives



Awareness and education-based communications and events



Licenses and Response to authorisations incidents. of high-risk work, concerns and workplaces and plant complaints



Compliance monitoring

immediate compliance and



through inspector



workplace visits, liaison with HSRs



Directed compliance enforcement

including statutory notices and on-the-spot fines



Administrative measures

such as requests for documents, liaison with senior officer/s, and injunctions



Investigations and referral for prosecution

for both incident-based and pure risk contraventions