

# WHSQ ESO | 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



## 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)

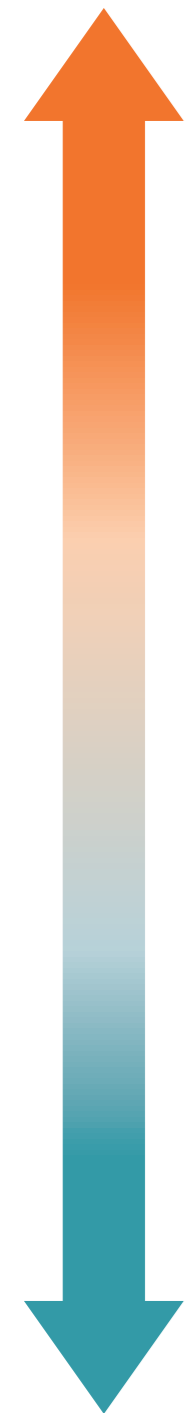
## Our regulatory responses

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.

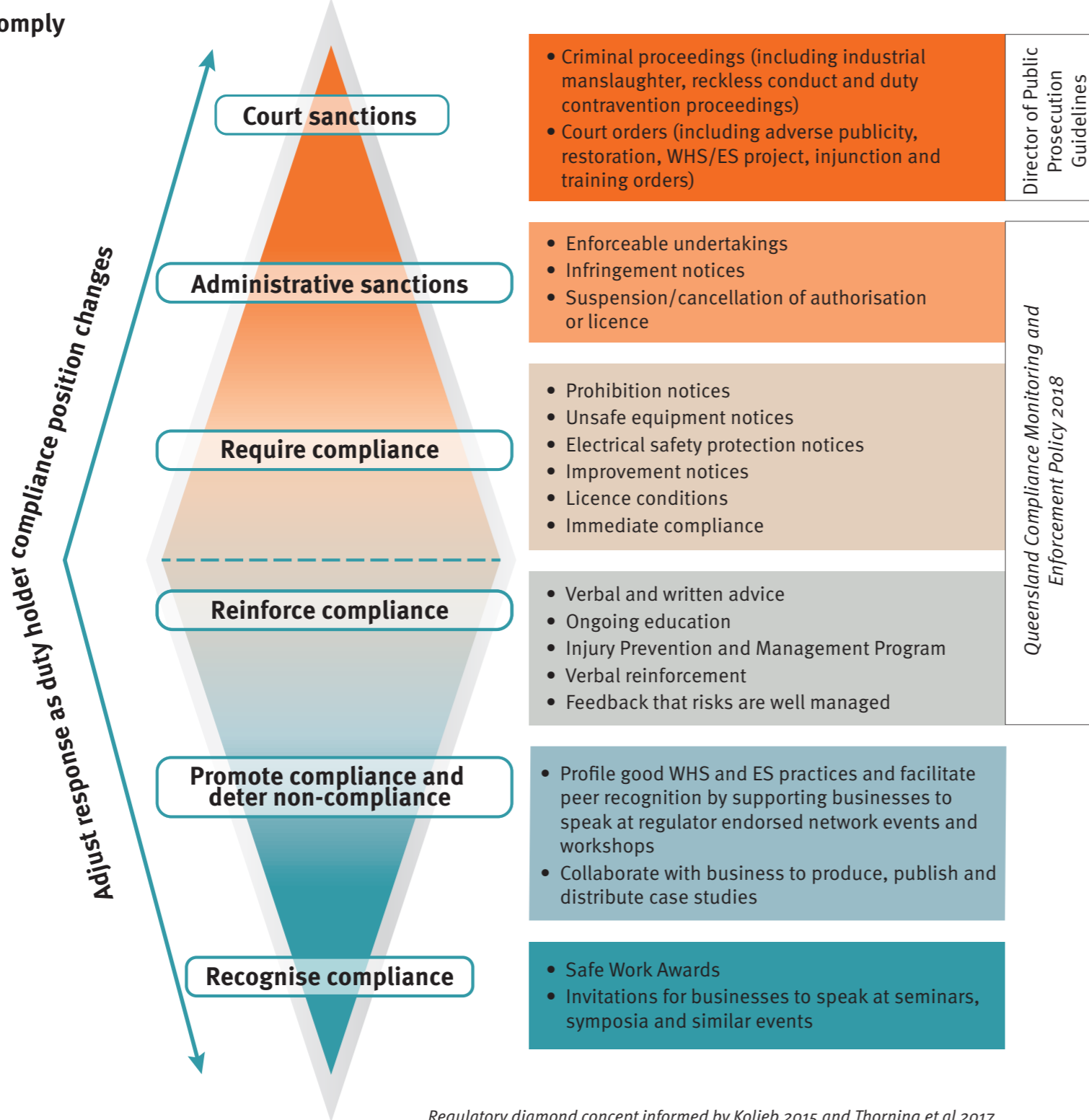
## Regulatory diamond

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

Disengaged to comply



Committed to comply



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

## Our range of regulatory tools



**Regulatory policy**



**Legislative reform**



**Regulatory partnerships** with other agencies, HSRs and other worker representatives



**Officer duties and role of Boards**



**Supporting Health and Safety Representatives** and effective workplace consultation processes



**Awareness and education-based communications and events**



**Advisory services**



**Licenses and authorisations of high-risk work, workplaces and plant**



**Response to incidents, concerns and complaints**



**Place-based and human-centric interventions** focussing on specific geographic clusters and/or user needs and human factors



**Compliance monitoring** through inspector workplace visits, immediate compliance and 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