CCF QLD SUBMISSION: CONSULTATION QUESTIONS
WORKPLACE EXPOSURE STANDARDS FRAMEWORK

ABOUT CIVIL CONTRACTORS FEDERATION – QUEENSLAND

The CCF QLD is the peak industry body for the civil construction industry in Queensland. CCF QLD prides itself on being the voice of the civil construction industry and advocates for the interests of the industry to all levels of government. Furthermore, CCF QLD understands the local, state and national issues facing the civil construction industry.

Queensland's civil contractors range from small local businesses to publicly listed companies and are involved in a range of projects and activities including the development and maintenance of civil infrastructure such as roads, bridges, port facilities, property subdivisions and other civil infrastructure that support Queensland communities.

The submission was developed with input from the CCF QLD Work Health and Safety (WHS) Committee which has been active since October, 2017.

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1. ***Do the estimated rates of compliance with the workplace exposure standards align with your experience? Please explain.***

The civil contractor respondents agreed with the question stating that the workplace exposure standards (WES) are known but not measured, largely due to the short exposure time being minutes per day rather than hours per day and the open air environment that they are usually used in.

In addition, respondents agreed with the balance nominated, however they maintained that compliance would continue to primarily be driven by budgetary consideration i.e. top tier companies tend to have budget capability versus second and third tier which is somewhat demonstrated in the visual graph.

2. ***Are there any particular issues that make it difficult for you to comply with the workplace exposure standards? Please provide examples.***

Civil contractors indicated that there were no difficulties surrounding compliance with WES.

However, the education of Health and Safety Environment (HSE) paraprofessionals and in turn workers requires improvements in the identification of what constitutes a hazardous substance or activity. In addition, reform of what health monitoring controls are required. In general, there is sufficient legislative information however an increase in simple guide notes or visual guides would assist.

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3. ***Are there any other costs to your organisation relating to the workplace exposure standards framework not discussed here?***

The respondents stated there were no additional costs and that it generally covers scope of business in the construction industry.

4. ***If there is not an Australian workplace exposure standard available for a particular chemical, how do you manage the risk of exposure? Please describe.***

The respondents highlighted that this has not been a problem as the chemicals used are common and have known WES. In addition, to manage risk a civil contractor stated they would refer to the safety data sheet (SDS) and develop a Hazardous Substance risk assessment to inform the work crew. In addition, if there were any genuine concerns the engagement of a hygienist to assist.

5. ***Are there other options that could be considered to achieve the government's objectives? Please provide details.***

There was acceptance for the maintenance of the status quo, with an additional suggestion for specific workshops or campaigns.

6. ***Are there any practical issues to consider in relation to any of the proposed options? Please provide examples.***

A respondent noted that Schedule 15 of the regulation nominates limits, maybe notification for all work with nominated Hazardous Substances to encourage industry compliance (understanding the burden on the department, however verification to remain discretionary).

7. ***Would making the workplace exposure standards advisory (rather than mandatory) lead to changes in the level of compliance in your industry? Please explain.***

All respondent indicated that there would be <u>*No*</u> changes, for the reasons that 1) they have a moral duty not to harm anyone, and 2) because there is a danger of ignorance to compliance. That said, they stated that it should remain mandatory.

8. ***Beyond these options, what else could be done to help your business understand and comply with the workplace exposure standards?***

Respondents suggested that advertising of the harmonised Codes of Practice (CoP), site visits or mentoring from the hygiene department of Work Safe would assist in making more businesses aware.

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9. ***What impact, if any, would the proposed name change from 'workplace exposure standard' to 'workplace exposure limit' have on your organisation?***

Responses indicated it to be a semantical improvement or none at all as it's what the rest of the world use (see UK HSE EH40-2005 as an example).

10. ***Please provide details of the types of costs that are incurred by your organisation when a WES value is updated. For example, do you update any policies or procedures to reflect changes in the WES value?***

The updating of the WES value incurs little to no cost on civil construction industry businesses. The change of documentation to comply is the easy part. By contrast, education, implementation and monitoring take time and effort.

11. ***Survey respondents indicated that, on average, a quarter of their control costs are directly attributable to the current workplace exposure standards framework. Is this consistent with your experience? Please provide details.***

Respondents indicated that this we not their experience with alternatives provided of no cost to an estimated calculation at ten to fifteen percent.

12. ***Are there any other significant regulatory costs that you incur because of the workplace exposure standards that have not been included in the consultation RIS?***

The civil contractor respondents stated 'no' - not within construction organisations. However, contractor sections can fall under head contractor requirements which often have the burden from a non-priced criteria perspective.

13. ***Do you think awareness of the workplace exposure standards will improve if they are updated more frequently? Please explain.***

A respondent noted that the frequency of updating WES' would not improve awareness. The better approach would be to increase advertisement to industry of the current harmonised working with hazardous chemicals CoP. While an additional respondent agreed with the proposition, however the value of the final outcomes will always be gauged by delivery and industry participation.

14. ***What impact would more frequent updating of the workplace exposure standards have on your organisation? In your response, please consider the possible addition of the chemicals listed in Appendix C.***

Potentially none at all – however a respondent stated that civil construction businesses would have the ability to keep up to date, though it would be beneficial to nominate what products commonly contain the nominated chemicals.

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15. To understand and implement option 2, what would this cost your business or organisation?

Potentially none at all – this would be an accrual exercise and remains based on your business activities. In addition, it is difficult to calculate until nomination of additional chemicals takes place.

16. What benefits would option 2 provide for your business or organisation, and community?

The benefits would potentially be negligible as civil contractors do not utilise a high number of hazardous substances and those which are used, are for a 15 minute period maximum in an open air environment. However, the maintenance of compliance and the protection of workers

17. To understand and implement option 3, what would this cost your business or organisation?

Potentially, none at all. However, an advisory approach could incentivise PCBU's to manipulate the understanding and choose not to comply through convenience. A respondent noted that organisations would not be immune to this.

18. What benefits would option 3 provide for your business or organisation, and community?

No benefit unless there is real quality and easily understandable information in the advisory information.

19. If workplace exposure standards were advisory (rather than mandatory), would your business continue to seek information or guidance from a WHS regulator?

Yes - as a best practice approach but they should remain mandatory.

20. For each option are there any other costs, benefits and/or unintended impacts which have not been considered in this consultation RIS? Please provide details.

No.

21. Do you have anything further you would like to add as part of this process?

Could potentially adopt the European Union's WEL.

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