Workplace Exposure Standards Consultation Summary

The summary conveys feedback received during the public consultation process for the review of the *Workplace exposure standards framework under the model Work Health and Safety (WHS) laws*.

Thank you to our stakeholders who provided a written submission or participated in further targeted consultation with PricewaterhouseCoopers (PwC). The input received is highly valued and will inform the decision regulation impact statement to be released in early 2019.

Consultation process

The consultation regulation impact statement (consultation RIS) was published on 1 August 2018. Over the six-week public consultation period, 31 submissions were received from a range of stakeholders including WHS regulators, government, industry and industry groups, unions, professionals and other interested or affected people.

PwC conducted targeted consultation with several stakeholders to further inform the costs and benefits of the proposed options.

Unless otherwise requested by the author, written contributions are publicly available on the Safe Work Australia Engage page.

Consultation RIS options

The consultation RIS proposed three options to reduce the risk of harm to workers and protect them from exposure to potentially harmful airborne hazardous chemicals:

Option 1 - Maintain the status quo and continue to update the workplace exposure standards individually and on an ad hoc basis.

Option 2 - Maintain mandatory workplace exposure standards and implement a streamlined methodology to review and update the workplace exposure standards, and add or remove hazardous chemicals to the Workplace exposure standards for airborne contaminants (WES list) as indicated.

Option 3 - Make the workplace exposure standards advisory and implement a streamlined methodology to review and update the workplace exposure standards, and add or remove hazardous chemicals to the WES list as indicated.

The streamlined methodology in option 2 and 3 offers a formalised and sustainable process to review and update the WES list and WES values in line with the most current scientific evidence available. Overall, stakeholders preferred option 2.

Stakeholders recognised the long-term benefits for Australian workers, duty holders and the community in applying the streamlined methodology. As a result, support for the streamlined methodology was high.

Stakeholders strongly favoured maintaining the mandatory status of workplace exposure standards. Generally, there was concern that if workplace exposure standards were advisory, it would lessen the significance and use of them within industry. Most anticipated that compliance levels will drop; placing workers at increased risk of exposure.

Support for advisory workplace exposure standards was low. The opposition to mandatory workplace exposure standards was centred on having a WES value that is absolute and must not be exceeded and the overarching obligation in the WHS laws for exposure levels to be as low as reasonably practicable.

Proposed name change

The majority of stakeholders supported changing the name of workplace exposure standards to workplace exposure limits. Stakeholders considered that the word 'limit' promotes consistency with current international terminology and could provide clarity that workplace exposure standards must not be exceeded. Stakeholders considered there would be minimal negative impact as a result of this name change.

Key issues

Large business was recognised as having higher rates of compliance with the workplace exposure standards compared to small and medium enterprise (SME). This was attributed to large business generally having more awareness, financial capacity and resources compared to SME.

Many stakeholders noted that in applying the streamlined methodology, adequate consultation time for stakeholders must be available to enable review of any proposed changes to a WES value. The importance of a transitional period for industry to achieve compliance and manage these changes both practically and financially was also emphasised.

Feedback indicated that regardless of the option implemented, more education, guidance and supporting material would be welcomed by industry, particularly SME to further understand workplace exposure standards and compliance expectations with WHS laws.

Next steps

A decision regulation impact statement will be released in early 2019 and will incorporate the feedback received from the consultation process.

An expert provider has begun evaluating the workplace exposure standards using a streamlined methodology. Recommendations and evaluation reports outlining the scientific basis for a recommended standard will be available for public consultation throughout 2019.

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