

BUSINESS NSW

2 February 2023

Mr Jim Kelly
Director, Health and Safe Design
SafeWork NSW
By email: healthy.work@safework.nsw.gov.au

Dear Jim,

HEALTH, SAFETY AND WELLBEING AT WORK CONSULTATION

As NSW's peak business organization, Business NSW has more than 40,000 member businesses across NSW. We work with businesses spanning all industry sectors including small, medium and large enterprises. Operating throughout a network in metropolitan and regional NSW, Business NSW represents the needs of business at a local, state and federal level.

Business NSW welcomes the opportunity to provide input to SafeWork NSW's consultation which aims to understand how business could adopt an integrated Healthy Work approach, where:

- work is designed and managed in a way that does not cause harm
- work has benefits to the physical and psychological health, safety and wellbeing of workers.

Business NSW notes that this consultation includes a request for feedback on the 'Healthy Work Principles Paper'.

General observations

Business NSW wishes to make the following general observations:

- Business NSW understands that the 'Healthy Work' concept is not about what employers 'have to do', but is about 'what they *can* do' and that this consultation represents 'the beginning of a conversation', yet the contents of the consultation website, including the principles paper do not make this clear.
- Due to this lack of clarity, Business NSW is concerned that business owners and operators in NSW will regard this initiative as another example of regulatory creep by stealth.
- Employers should not be made responsible for matters that lie outside their control. Nor should they be shouldered with responsibilities that properly belong to the public health sector.
- Having SafeWork NSW inspectors advising NSW business owners and operators on how to react to psychosocial hazards in the workplace is already a problematic area of regulatory oversight.

- Given NSW business owners and operators are currently operating in an environment where costs are expected to continue to increase significantly in the face of major geopolitical events including the war in the Ukraine, care must be taken by the NSW government not to add to these pressures by placing unrealistic expectations on NSW businesses.
- NSW businesses will be more likely to support and adopt 'solutions' if:
 - they can see that there is a clear problem enunciated by the regulator that needs solving,
 - there is a clear business case in support of the solution,
 - the solution does not further complicate or exacerbate the current operating climate, and
 - support is readily available to those businesses that wish to implement all or any of those solutions.

Observations regarding the Paper

- **The definition of 'Healthy Work'** - It is not always possible or feasible for an employer to design and manage work in a way "*that does not cause harm, and has positive benefits to the physical and psychological health, safety, and wellbeing of workers.*" An obvious example is the workplace of first responders. Employers are only able to use their best efforts to minimise harm and design work in a way that supports physical and psychological health, safety and wellbeing.
- **The text under Principle Four** - Creating work that is '*safe, stimulating, satisfying and enjoyable for all*', is not always possible or feasible. The saying "you can't please all of the people some of the or some of the people all of the time" is particularly pertinent in this respect. There is a view that, in the workplace, you don't necessarily have to like each other, just to get along and be able to work together. This is a more realistic view and is likely to be achieved if the workplace both:
 - reminds it workforce of their health & safety duties (to take care of themselves and others), and
 - encourages its workforce to be respectful and courteous to each other.

Recommendation

That, in relation to SafeWork NSW's vision of 'Healthy Work', its communications and messaging plus any resultant proposals take the above observations into account.

If you would like to discuss the enclosed submission in more detail, please contact Elizabeth Greenwood, Policy Manager, Workers' Compensation, WHS and Business Regulation either by email (elizabeth.greenwood@businessnsw.com) or by telephone on 0419 758 779.

Yours Sincerely,



Elizabeth Greenwood

Policy Manager, Workers' Compensation, WHS & Regulation