

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Budget Estimates 2017 - 2018**

#### **Outcome 1 - Employment**

**Department of Employment Question No. EMSQ17-004262**

**Senator Marshall provided in writing.**

#### **Question**

##### **Timeline for investigation into Work for the Dole incident**

Can you set a timeline for public release of the department's investigation into the incident and what they've done to make sure it doesn't happen again?

#### **Answer**

No. As the matter is now before the Toowoomba Magistrates Court, it would not be appropriate to release information concerning the incident, including the then Department of Employment's report.

The actions set out below reflect the Department's role in setting and monitoring Work for the Dole program requirements and expectations of contracted providers in relation to work health and safety. Work health and safety was a core consideration in the development of the program. It is a fundamental requirement of the Work for the Dole program and continues to be a priority area of focus in managing the program.

jobactive providers are contractually obliged to meet all applicable Commonwealth, State and Territory work health and safety legislative and program requirements. Providers must also satisfy themselves that Work for the Dole host organisations are meeting their legal work health and safety requirements and that they are providing a safe system of work at their Work for the Dole activity. Providers must manage and report any incidents involving participants

Work health and safety regulators recognise that no workplace is risk free and that workplaces continually need to review and revise their safety practices to ensure the highest standards possible. The Department's approach is consistent with that taken by regulators. The Work for the Dole program requirements also include obligations additional to those specified in work health and safety laws. For example, requiring risk assessments to be undertaken for every participant in a Work for the Dole activity and notifying the Department of all incidents.

The Department undertakes a range of program assurance and monitoring activities. These include:

- on-site and targeted work health and safety audits
- site visits conducted by departmental officers
- desktop monitoring and analysis of documentary evidence maintained by jobactive providers and, until their cessation in December 2017, Work for the Dole Coordinators, and
- investigations of incidents and complaints reported by participants as well as tip-offs received via the national Customer Service Line and Tip-Off Line.

Through these activities, the Department gains valuable insight into the management of work health and safety in Work for the Dole and uses these to identify areas for further improvement and better practice. Work health and safety also continues to be an area of focus during performance discussions with providers.

In 2016 the Department updated the Work for the Dole Guideline to reinforce provider obligations for work health and safety in Work for the Dole. The Guideline forms part of the contractual requirements that apply to jobactive providers and, previously, Coordinators. The amended Guideline re-emphasises that jobactive providers must identify, assess and record all work health and safety issues and any other concerns in the risk assessment. Examples of hazards and risks that may cause harm were expanded to include: electrical equipment; warehousing, traffic management and driving (traffic and pedestrian interactions to be marked appropriately with safe clearance and walkways, vehicles and mobile plant to be registered and well maintained); lifting and manual handling; and emergency preparedness. The Guideline further emphasises that where an activity involves people from vulnerable cohorts, the host organisation is to provide continuous supervision throughout the activity.

The Guideline was strengthened to place clear responsibility on the lead provider to monitor, review and, where necessary, update the risk assessment to reflect any changes to the activity and to immediately notify other jobactive providers with participants in an activity of any changes to enable them to determine if the activity is still suitable for the participant. This built on the previous requirement that lead providers update the risk assessment when notified of any changes to an activity.

It has always been a requirement that jobactive providers undertake a risk assessment for each individual before they commence in a Work for the Dole activity and also ensure that they are satisfied that there is a safe system of work in place. The Guideline was amended to make it abundantly clear that, where a Work for the Dole place is not suitable for an individual, that person must not be referred to that place. In addition, the Guideline emphasises that a risk assessment must be conducted for each place they are referred to and updated as necessary if there are changes to the activity tasks or circumstances. The Guideline was also updated to strengthen documentary requirements for risk assessments.

Furthermore, jobactive providers have been reminded in letters from the Department that they must use Competent Persons to fulfil work health and safety obligations under the Deeds and Guideline, including conducting risk assessments. A Competent Person is a person who has acquired through training, qualification or experience, the knowledge and skills to carry out risk assessments and other specific work health and safety tasks. Providers have been required to inform the Department of how they ensure their organisation meets the Competent Person requirement, including their processes for assessment and maintenance of Competent Person status, and how they maintain records of their Competent Persons, including their training, qualification or experience.

In addition, jobactive providers must manage and report any incidents involving participants. Additional details have been included in the Guideline on incident reporting and management. The Guideline also reminds providers of their contractual requirements to ensure that participants have access to reporting mechanisms should they wish to report an incident or lodge a complaint.

The Department continues to issue specific work health and safety reminders to jobactive providers, including about managing the presence of asbestos in activities, electrical equipment safety, safe management of traffic, working at heights, working outside, sun exposure and reporting and managing incidents.

Further to the updating of the Guideline and the above activities and over the last year, the Department has undertaken specific actions to continue to reinforce work health and safety requirements and raise provider awareness of their obligations in the Work for the Dole

program. The Department has provided direct written advice to jobactive provider Chief Executive Officers, conducted video conferences and webinars with provider staff, presented work health and safety sessions at stakeholder forums, provided written information and guidance to providers and published a Host Handbook to help inform host organisations of their responsibilities for the safe management of participants in activities. It also published an updated and strengthened Host Organisation Activity Agreement template, including the mandatory clauses, of which work health and safety is one.

Substantial targeted activity in the Work for the Dole program will continue to be conducted as an essential element of program administration and assurance.