



Self-insured work, health and safety standards and guidance notes

Discussion paper for consultation
August 2024

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Aim

To seek the views of self-insured stakeholders on potential changes to the work, health and safety standards and guidelines.

Background

Self-insurance is an integral part of the South Australian Return to Work Scheme ('the Scheme') and self-insured status should only be granted to employers that are able to demonstrate a level of performance commensurate with the relevant sections of the *Return to Work Act 2014* ('the Act').

Section 129(11)(e) of the Act states that the Corporation, in deciding whether to grant, renew, revoke, or reduce the period of registration will have regard to "the effect, or likely effect, of the working conditions under which workers are employed by their employer, or any of the employers, on the health and safety of those workers".

Further, the current Board Policy on Self-Insurance, indicates only "fit and proper" employers will be considered for self-insurance. The policy requires consideration of an employer's "conduct with respect to managing work health and safety matters in the workplace" (amongst other items). These considerations are captured in clause 2.3 of the Code of Conduct for Self-insurers, which states, "the incidence and severity of injuries for an employer will be evaluated considering:

- The mechanism, nature, and agency of injuries sustained in the employer's workplace.
- The consequence of injuries sustained in the workplace.
- The strategies and activities implemented by the employer to reduce the incidence and severity of injuries".

Conformance to the work health and safety standards for self-insured employers (WHS standards) is one of the critical means of satisfying Section 129(11)(e) of the RTW Act, the Board Policy on Self-Insurance and the Code of Conduct for Self-insurers.

In late 2022, ReturnToWorkSA commenced a review of the regulatory framework for self-insured employers. The review highlighted that the WHS Standards had not been updated since 2017 and should reviewed with regard to contemporary WHS expectations.

ReturnToWorkSA has reviewed the WHS evaluation approach with reference to the specific legislative requirements and the broader objective of the Program. Although the standards have largely been unchanged since 1998, the review identified they are still relevant when compared to the contemporary system practices.

Consideration was given to adopting ISO 45001, however, whilst best practice, some requirements could be considered onerous or complex and beyond the scope of section 129(11)(e) of the Act. Therefore, we are not proposing significant amendments to the existing WHS requirements for self-insured employers.

To minimise the impact to existing work, health and safety systems, ReturnToWorkSA have decided to review and update our existing WHS Standards and Guidelines. The aim of this review was to:

- consider ReturnToWorkSA's key WHS requirements and obligations within the scope of the Act.
- simplify the standard, removing duplication and improving useability.
- consider any critical gaps with reference to the *Work Health and Safety Act 2012* and contemporary standards.

- create better alignment to international system standards to support national employers who are or will be transitioning to a new system.

A copy of the proposed version of the WHS standards and guidance notes is attached in support of this paper.

Stakeholders are encouraged to review the updated WHS standards and guidance notes and make note of the relevant changes or seek additional clarification. This paper aims to provide a high level summary of the key changes including rationale.

Change in structure

It is proposed that the WHS standards and WHS guidelines are merged into one document rather than maintaining two documents containing very similar information.

Overall, five standards remain however elements have reduced from 23 to 17 and sub-elements have reduced from 51 to 18. All assessable requirements are now at the sub-element level (previously some were at the element level). Elements have also been moved to align to contemporary standard structures.

The reference to 'employees' in the previous standards have been replaced with workers to capture WHS responsibilities for all workers employed or undertaking work at the workplace.

Key changes to the WHS standards

Standard 1: Commitment and consultation

Element 1.1: Endorsed and distributed policy statement

Element 1.2: Consultation

Element 1.3: Responsibility and accountability

The ten policy sub-elements have been refined to eight and incorporated into one sub-element. It is proposed that the supporting policies and/or procedure requirements are merged and assessed with relevant practice sub-elements to streamline the document.

Employee involvement that was previously element 3.5, has been renamed 'Consultation' and moved into 'Standard 1: Commitment and consultation'. Consultation is represented within numerous other relevant sub-elements throughout the standards. Responsibility and accountability has also been moved under this standard as it aligns to commitment.

Standard 2: Planning

Element 2.1: System objectives

Element 2.2: Legislative compliance

The requirements for reviewing system inputs and setting strategies/objectives has been consolidated into element 2.1. Requirements for corrective action plans have been moved to elements within 'Operational implementation' and 'Measurement and evaluation'.

We have removed references to programs, targets and performance indicators. The key expectation is for self-insured employers to consider all system inputs and set strategies or objectives that address risk. Where done effectively, this will also support continuous improvement of the WHS system.

It is critical a self-insured employer has processes set up to adhere to legislation or changes to legislation. This is especially important when we assess new applicants. Ongoing monitoring of legislative compliance however will most often occur via each of the relevant planning, operational or review sub-elements. ReturnToWorkSA will continue to liaise with SafeWork SA and monitor any investigations or breaches of WHS legislation when assessing section 129(11)(e) of the Act.

Standard 3: Support

Element 3.1: Training

Element 3.2: Provision of information

Element 3.3: Documentation

Elements of training, communication and documentation that were previously dispersed between planning and implementation have been moved into 'Standard 3- Support'. Element 3.1 requires plans for identification of training needs in addition to developing and effectively implementing training plans.

Communication that was previously element 3.6, has been moved to 'Support'. The focus is on internal communication and we have renamed it 'Provision of information' to align with WHS legislation. There has been minimal change to the requirement for documentation other than combining process and procedure elements and merging elements 3.11 and 3.12.

Standard 4: Operational implementation

Element 4.1: Hazard identification, evaluation, and control

Element 4.2: Change management

Element 4.3: Contractors, visitors and volunteers

Element 4.4: Emergency management

Element 4.5: Incident investigation

Element 4.6: Workplace monitoring

With the removal of 'Support' elements, this standard now focuses on operational elements. Sub-elements previously under sub-elements 3.8.1, 3.8.2 and 3.8.3 have been refined and merged into one hazard, identification, evaluation and control element. This is one of the most critical elements we focus on at evaluation and we believe it makes sense to assess these together. Requirements under previous elements 3.8.4 and 3.8.5 have been shifted to 'Element 4.2 – Change management'.

Sub-element 3.8.6 from the previous standards has been renamed Contractors, visitors and volunteers to make the intent of this sub-element clearer. Contingency planning has been renamed 'Emergency management' with the requirement for business continuity planning and IT protocols removed. We have created a new 'Incident investigation' element that captures requirements from the previous sub-element 3.8.7. Workplace monitoring (previously sub-elements 3.9.1 and 3.9.2) has been merged into one sub-element to incorporate inspection and testing with any relevant corrective actions.

Previous sub-elements for Resources (3.1), Integration (3.4) and Process delivery (3.10) have been removed as these requirements are implicit with meeting other requirements throughout the standards.

Standard 5: Measurement and evaluation

Element 5.1: Internal audits

Element 5.2: Measuring, monitoring and reviewing objectives

Element 5.3: System review

The new standards have merged previous standards 4 and 5 into one 'Measurement and evaluation' standard. There has been minimal change to requirements for internal audit other than the streamlining of requirements and sub-elements. Element 5.2 requires implementation of processes to measure, monitor and review system objectives that were defined in element 2.1. Element 5.2 should also include analysis on the performance against the objectives.

The 'System review' element 5.3, has been updated to incorporate a review of all system elements and ensure that outputs of the review feed back into policy and planning. This will support system improvement activities in addition to what is also covered in Element 4.5, Incident investigation.

Next steps

The first phase of consultation will be delivered via an online tool. The link to access the tool is [here](#) and in the body of the email you received with the Discussion paper. Please complete your submission, providing reasoning for your answers, for ReturnToWorkSA to gather as much information as possible. We will require contact and organisation details to complete the submission.

During this consultation phase, we will hold an information session to discuss the changes with self-insured employers.

Following finalisation of the review, final documents will be communicated, and employers will be provided with a 6 month grace period to update its systems and adopt the new standard. This can be discussed and agreed with the allocated Evaluator and incorporated into partnership planning.

We acknowledge that some employers are currently assessed against the National self-insurer OHS management system audit tool (version 3) which aligns to the superseded AS/ANZ 4801. The future expectation is that all self-insurers transition to compliance with the new standard although we appreciate a longer transition period may need to be agreed in these cases.

If you wish to discuss alternative options for providing feedback, please contact the Self-Insured Services team via selfinsured@rtwsa.com.

Following completion of this consultation, ReturnToWorkSA will consider the feedback and present back to the ReturnToWorkSA Board before publishing a final version.



The following free information support services are available:

If you are deaf or have a hearing or speech impairment, you can call ReturnToWorkSA on **13 18 55** through the National Relay Service (NRS) www.relayservice.gov.au.

For languages other than English call the Interpreting and Translating Centre on **1800 280 203** and ask for an interpreter to call ReturnToWorkSA on **13 18 55**.

For braille, audio or e-text of the information in this brochure call **13 18 55**.

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